

U.S. District Court of
Southern District of New York.

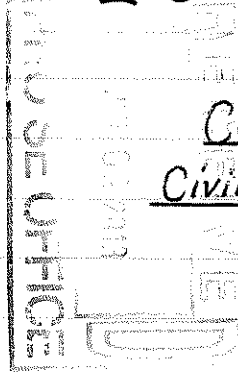
13 CV 4816

Mustafa Ozsusamlar
 Plaintiff

-v-

B. Alan Seidler,
 Alexander H. Southwell,
 John F. Campanella,
 Mark Leeper.

Complaint.
Civil Action No:



I. JURISDICTION AND VENUE.

- 1- I Mustafa Ozsusamlar, this is a civil action authorized by 42 U.S.C. Section 1983 To redress of the deprivation, under color of state law, of Rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. section 1331 and 1343(a), Plaintiff Ozsusamlar seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff Ozsusamlar claims for injunctive relief are Authorized by 28 U.S.C. Section 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure.
2. This civil action under 28 U.S.C. 1350 (2)(b) and 28 U.S.C. 1350 (2)(c) the District Court shall decline to hear a claim under this section and statute of limitation 10 years.
3. The action Mr. Seidler et al knowingly willfully cooperated for against to plaintiff Violating U.S.C. Right about fabricating improper influences and motivation, under Oath given knowingly perjury testimony, and Hearsay testimony, violating 28 U.S.C. 801(A) and 28 U.S.C. 801 (d)(3). And testimony is offered to rebut an express or implied charge against the declarant of recent fabrication influence or motive.
4. 28 U.S.C. 803 (8A) and 803 (B) and 803 (C) this Complaint by plaintiff Ozsusamlar Recent civil action and proceedings and against the government in criminal cases. Factual finding resulting from an investigation made pursuant to authority granted by law.
5. The Southern District of New York is an appropriate venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving to this claim occurred.

II. PLAINTIFF.

- 6 Plaintiff Ozsusamlar, is prison under violation U.S. Constitutional rights by the Cooperated Defendants, without violating Rule of Justice correctly custody FCI, Fairton New Jersey, Department of Correction.

CLOSED, ECF, RELATED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:04-cv-05944-KMW
Internal Use Only

United States of America v. \$3,700.00 in United States
 Currency
 Assigned to: Judge Kimba M. Wood
 Related Case: 1:02-cr-00763-KMW-1
 Cause: 18:981 Civil Forfeiture

Date Filed: 07/30/2004
 Date Terminated: 08/23/2005
 Jury Demand: None
 Nature of Suit: 690 Forfeit/Penalty:
 Other
 Jurisdiction: U.S. Government Plaintiff

Plaintiff**United States of America**

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ATTORNEY TO BE NOTICED

V.

Defendant**\$3,700.00 in United States Currency**

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Date Filed	#	Docket Text
07/30/2004	1	COMPLAINT against \$3,700.00 in United States Currency. Document filed by United States of America.(jjm,) Additional attachment(s) added on 8/4/2004 (jjm,). (Entered: 08/02/2004)

45apozs2

Souvorkine - direct

1 (In open court; jury present).

2 THE COURT: Mr. Souvorkine, I remind you that you are
3 still under oath.

4 CROSS-EXAMINATION

5 BY MR. SEIDLER:

6 Q. Mr. Souvorkine, in the beginning of your testimony, you
7 said that you were told that Refik and somebody named Mustafa
8 were partners?

9 A. No, nobody said that word to me that they were partners.
10 When Iouri was trying to reach Mustafa, it happened that he
11 spoke to Refik. And the only thing that Iouri said to me was
12 that they were working together.

13 Q. What number did Iouri dial when he was trying to reach this
14 person named Mustafa?

15 A. I don't know that number because he was dialing it on his
16 cellar phone.

17 Q. Were you ever given a last name for Mustafa?

18 A. No.

19 Q. Were you ever given a telephone number for Mustafa?

20 A. No.

21 Q. Did you ever meet Mustafa?

22 A. No.

23 Q. Have you heard any recorded telephone or other conversation
24 in which the name Mustafa is mentioned?

25 A. No.

EX'D.

45apo2s4

Campanella - cross

PATEL

1 down, your Honor?

2 THE COURT: Yes.

3 Q. Did you ever make an effort to ascertain what you have to
4 do to rent a van from Budget?

5 A. No, I did not.

6 Q. When Mr. Ozsusanlar was arrested, how many pieces of
7 identification in names other than his, did you find in his
8 car?

9 A. We had -- in his car was another set of identification.
10 The car was registered to another individual: Oscane -- Ozcar
11 Ozoglu.

12 Q. Where did you find the Rafet Gozel identification document?

13 A. I retrieved that from New York State Department of Motor
14 Vehicles under a subpoena.

15 Q. What about Mustafa Ozsusanlar's DMV application, where did
16 you retrieve that?

17 A. From the New York State Department of Motor Vehicles.

18 Q. Do you know whether or not motor vehicles ever acted upon
19 the application?

20 A. A license was issued.

21 Q. To whom?

22 A. Ozcan and Gozel. Gozel was denied because the Social
23 Security card was fraudulent. But Ozcan was issued.

24 Q. Could you take an out-of-state driver's license to Budget
25 to rent a van?

EX:NA

45A6OZS3

Campanella - direct

1 A. 26 years. 23 years as a special agent.

2 Q. What is your educational back ground, Agent Campanella?

3 A. I have a history degree and an accounting degree.

4 Q. You mentioned the types of cases that your squad focuses
5 on. What generally do you focus on in your investigations?

6 A. I am the case agent of an ongoing Group One undercover
7 operation in New York office.

8 Q. What generally does that entail?

9 A. I meet with FBI undercover agents, cooperating witnesses.
10 I debrief both FBI undercover agents and cooperating witnesses
11 and I furnish them with anything they may need to conduct
12 undercover scenarios against targets.

13 Q. You mentioned a word "Group One," what does that mean?

14 A. Group One is a full fledged undercover operation which is
15 approved simiannually by the Department of Justice in
16 Washington DC.

17 Q. Now, Agent Campanella, during your career with the FBI, how
18 many arrests have you participated in?

19 A. Well over a thousand.

20 Q. Did there come a time when you got involved with an
21 investigation related to Mustafa Ozsusamlar?

22 A. Yes, in March of 2002.

23 Q. How did that come about?

24 A. I had been meeting with a cooperating witness Igor
25 Souvorkine who advised me of his relationship.

.EX:N.

45A6OZS3

Campanella - direct

1 MR. SEIDLER: Objection.

2 THE COURT: Sorry?

3 MR. SEIDLER: I object, your Honor.

4 MR. SOUTHWELL: If I could rephrase the question, your
5 Honor.

6 THE COURT: Yes.

7 BY MR. SOUTHWELL:

8 Q. Without telling us what Mr. Souvorkine specifically told
9 you, how did you come to be involved with the investigation
10 related to Mr. Ozsusamlar?

11 THE COURT: I will strike the last answer?

12 A. I had information regarding the sale of Washington DC
13 driver's licenses.

14 Q. And what did you do with that information generally
15 speaking?

16 A. I started an undercover operation involving Mr. Souvorkine,
17 placing a body recording device on him for meets with Iouri
18 Bobik, Rafet Ozoglu and others.

19 Q. Based on your supervision of the activities of
20 Mr. Souvorkine, did you take any action?

21 A. Yes. On May 23, 2002, I obtained four arrest warrants for
22 Iouri Bobik, Gwendolynn Dean, Rafet Ozoglu and another
23 individual.

24 Q. Now, Agent Campanella, were you on duty on June 4, 2002?

25 A. Yes, I was.

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(In open court.)

Q: You testified on direct examination, you had lists of clients that you referred to Rafet and Ozsusamlar, is that correct?

A: Yes.

Q: And you received payments from those clients directly?

A: That's correct.

Q: And you sent faxes to Ozsusamlar concerning these illegal activities as you described them?

A: That's correct.

Q: Do you have any financial paper records of any of the transactions that you described?

A: No. I would never give any receipts to my customers, and I would always receive cash.

Q: What about the faxes that you sent to Ozsusamlar, do you have any copies of those faxes?

A: I think I have submitted copies of one or two to the FBI agent.

Q: When was that?

A: Right after I was released from jail, I had found these

among the documents in the office and I have given them to —

Q: Have you ever paid United States taxes on the money that you earned from your businesses?

A: No.

Q: Has anybody ever asked you to do that?

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A: I knew I had to pay, but I didn't have any status and work authorization so I didn't pay.

Q: What about since you began cooperating with the government, has anybody asked you to start paying taxes on that money?

A: I never had any conversations regarding this matter with anyone.

Q: So you came into the United States illegally, correct?

A: Correct.

Q: When you were in the United States, you committed crimes in the year 2001 and 2002?

A: Yes.

Q: And in the year 2000, correct?

A: Yes.

Q: You were arrested and thrown in jail on this case?

A: Correct.

Q: How much time did you spend in jail before you were released?

A: Approximately four months.

Q: Have you been back to jail since then?

A: No.

Q: Do you recall what month you were released from jail?

A: I was arrested in October of 2002, and I was released four months after that. I don't remember the exact time.

Q: And you paid no federal income taxes?

A: No.

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Q: And it is fair to say that you pay no state or city income taxes?

A: No.

Q: You have now a cooperation agreement that you hope will keep you out of jail?

A: Yes.

Q: And you have a promise from the government to get you an S1 visa so that you can stay in the United States as long as your agreement lasts?

A: We had a conversation like this and it was said that they are going to make out and send an application for this, but I am not sure whether I will get this or not.

Q: It was more than said to you, wasn't it? They told you that — the prosecutors told you that they would make an application with the State Department to obtain for you, if they could, an S1 visa to permit you to remain in the United States?

A: What they told me is that they will only make the application, and the decision will be made by the State Department so, as far as I know, they don't know and I don't know whether if this visa will be granted or not.

Q: Well, what is your expectation if one branch of the government says that they are going to intercede on your behalf with another branch. What do you think is going to happen, in your mind?

EXM.

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INTERPRETER ESENDAL: May I have this again?

Q: What do you think is going to happen when one branch of the government says they are going to intercede on your behalf with another branch to acquire some benefit for you?

THE COURT: The witness should pause so that you can interpret.

A: I really don't know what is going to happen, and from the things that I have read and heard, it may be fair to say that I may not be able to get this. That's why I have the impression.

Q: And it may be fair to say that you will get it, correct?

A: Correct.

Q: And is it fair to say that at least the executive branch of the government is going to help you try to get it?

A: As long as the agreement lasts, yes.

Q: How many times did you meet Mr. Ozsusamlar, in total?

A: As far as I can remember, only two times.

Q: The second meeting was at the Cheyenne Diner in New York City?

A: I don't know the name of the diner, but I met him at the diner in the corner of Ninth Avenue and 33rd Street.

Q: How many meetings prior to today did you have with the government in preparation for this case?

A: Approximately four or five times we sat down together. I don't know the exact count.

Q: At what if any meetings did you mention that you had this

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meeting with Ozsusamlar at the diner on 33rd Street?
INTERPRETER ESENDAL: I'm sorry.
Q: At any meetings with the government, did you mention that you had had this meeting with Ozsusamlar on 33rd Street in Manhattan?
A: Yes.
Q: Which meeting or meetings?
A: In a couple of meetings I would say because, in those meetings, they were trying to find out what I knew about all these things, subjects so I would say it must be in a couple of meetings.
Q: Do you have a recollection of that or are you just guessing?
A: I know I spoke about this matter, but I cannot say in which meeting and how many times.
Q: Do you remember who was present when you spoke about it?
A: I remember that.
Q: Who was present?
A: Prosecutor Alexander Southwell, Agent Jack Campanella, and a couple of times David — I don't remember the last name — and then Seigal — David Seigal, yes.
Q: Was anybody writing down what you were saying, did you notice, when you were talking about the meeting on 33rd Street?
A: Yes. Sometimes notes were taken, yes.
Q: And do you remember who was taking the notes?

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A: I didn't pay attention. Both sides, maybe.
Q: Did Rafi, when you were committing these crimes with Rafi, did he live in your apartment building?
A: In the building, yes.
Q: And that's where you knew him from, correct?
A: No. We had met before, before he rented an apartment in that building.
Q: Why did he move into your apartment building, if you know?
A: He was looking for an apartment with his girlfriend, and I had a manager friend so he came to me and I helped him.
Q: Did you consider Rafi to be a friend of yours?
A: We cannot say friends, no. We can say business friends.
Q: Did you ever have any fee disputes with Rafi?
INTERPRETER ESENDAL: Fee?
MR. SEIDLER: F-E-E.
A: A couple of times, yes, we had arguments.
Q: Were you and he alone when you had those arguments?
A: Yes.
Q: Were those problems resolved in a friendly way?
A: Yes.
Q: In the criminal case for which you were arrested, were you represented by an attorney?
A: Yes.
Q: Did you sign, along with your cooperation agreement, an agreement that you could meet with the prosecutors without your

[1] attorney being present?
[2] **A:** I remember signing an agreement like this, but I am not
[3] sure whether it was included in this agreement or whether it
[4] was a separate agreement.
[5] **Q:** Well, how many agreements did you sign?
[6] **A:** I think, two. One only, but I remember the other being
[7] like they can have meetings with me without my lawyer
[8] present — I don't exactly remember.
[9] **Q:** Let me show you what has been previously marked as
[10] Government Exhibit 3503-D. Would you look at it, sir?
[11] **INTERPRETER ESENDAL:** Your Honor, the witness wants me
[12] to read this to him.
[13] **THE COURT:** Any objection?
[14] **MR. SEIDLER:** No, your Honor.
[15] **THE COURT:** Yes. You may read it to him.
[16] (Interpreter reading)
[17] **A:** Yes, I remember this.
[18] **Q:** You signed it?
[19] **A:** Yes.
[20] **Q:** How many meetings did you have with the agents without your
[21] attorney being there?
[22] **MR. SOUTHWELL:** Objection. Just narrow the scope.
[23] **Q:** After you were released from jail, how many meetings did
[24] you have with the agents without your attorney being there?
[25] **THE COURT:** In connection with this case?

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[1] **MR. SEIDLER:** This particular case.
[2] **THE WITNESS:** What case? Regarding to what case? I
[3] didn't understand.
[4] **Q:** The case, the reason that you are here.
[5] **A:** I didn't understand the question. May I have the question
[6] again, please?
[7] **Q:** How many meetings did you have with the agents assigned to
[8] this case regarding this case at which your attorney was not
[9] present?
[10] **A:** A couple of times we had meetings and once I had a meeting
[11] with them where I gave a copy of that fax that I had found and
[12] a couple of times I don't know.
[13] **Q:** When you gave the fax over, was your attorney present?
[14] **A:** No.
[15] **Q:** I'm trying to narrow this down more specifically than a
[16] couple of times. Was it more than two, more than three, was it
[17] less than five?
[18] **A:** We can say more than three, more than five.
[19] **Q:** More than five?
[20] **A:** Yes.
[21] **Q:** How many meetings did you have with the agents concerning
[22] this case at which your attorney was present?
[23] **A:** In what time frame, may I ask? Is it during the time when
[24] I was incarcerated because when I was incarcerated we had
[25] meetings like four or five times when my lawyer was present

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[1] also.
[2] Q: Of the total number of meetings that you had with the
[3] agents after you were arrested, how many times was your
[4] attorney present?
[5] A: Two or three times.
[6] Q: And how many times was he not present, in total?
[7] A: Let's say five or six times.
[8] Q: When you came to the United States, did you bring family
[9] with you?
[10] A: No.
[11] Q: Do you have family now?
[12] A: Yes, I do have, but they are not here.
[13] Q: By "here" you mean in the United States?
[14] A: Yes. They are not in the United States.
[15] Q: When you knew this man, what did you know him by, what
[16] name?
[17] A: Rafet.
[18] Q: Did you ever call him Rafi?
[19] A: Yeah.
[20] Q: Do you know a man named Rafi who was not Rafet?
[21] A: I was using that as an abbreviation. I don't have anybody
[22] else.
[23] MR. SEIDLER: I have nothing else.
[24] THE COURT: We can either have the government finish
[25] up if you have questions or we can take a break.

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[1] MR. SOUTHWELL: If we could take a short break, we
[2] don't have very much more to go.
[3] THE COURT: This then will be our afternoon break, ten
[4] minutes.
[5] Thank you.
[6]
[7] (Continued on next page)
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[1] (Jury not present)
[2] THE COURT: Do counsel wish to raise anything or are
[3] we on a break?
[4] MR. SEIDLER: This issue I would like to explore.
[5] THE COURT: I think that the witness should step
[6] outside into one of the witness rooms.
[7] (Witness excused)
[8] MR. SOUTHWELL: Your Honor, it is somewhat of a
[9] delicate issue. I believe what defense counsel wants to do is
[10] inquire of the witness about an ad for immigration consulting
[11] service which is in fact the witness's business. He has a
[12] legitimate business, but it is also —
[13] THE COURT: I may not —
[14] MR. SOUTHWELL: It is the issue that we raised
[15] previously with your Honor. To avoid any confusion about the
[16] issue, I thought that we had already crossed this bridge with
[17] Mr. Seidler. And it may be that we —
[18] THE COURT: I think that the way we left it was that
[19] we would take it up when the jury was not being held up, so I
[20] will give Mr. Seidler whatever time he wants.
[21] MR. SEIDLER: This ad came to me apart from the
[22] government. I was told that he was involved in ongoing
[23] operations, but whether or not he was still operating in
[24] business of a like nature, that had nothing to do with his
[25] operations, I had no way of knowing. This was provided to me

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[1] by Mr. Ozsusamlar as a similar address to a document that had
[2] been provided in discovery.
[3] So I don't really think it is improper. If he has a
[4] financial interest in this company and he is still operating a
[5] like type company, if this is part of his cooperation and this
[6] is under government control, I am not going to get into it.
[7] But if there are other things going on here, I think that I
[8] have a right to inquire, and I don't know what is going on
[9] here.
[10] MR. SOUTHWELL: Your Honor, I can proffer for the
[11] record and Agent Campanella can further explain, Mr. Sezer does
[12] run an immigration consulting business, and they are out of a
[13] location where other investigatory activities are conducted.
[14] THE COURT: If that is the case, it is fairly simple.
[15] The question could be limited to the commercial work that this
[16] defendant does that excludes what we talked about at sidebar.
[17] MR. SOUTHWELL: It is all legitimate work.
[18] My concern is that, to the extent defense counsel
[19] wants to leave any implicit argument with the jury about the
[20] nature of his current business as it relates to prior business,
[21] we don't have an ability to respond to that because of the
[22] ongoing nature of things.
[23] THE COURT: Even if it were not for that, he might
[24] well be in the immigration business and might well be doing so
[25] legitimately or not. In other words, if the witness is

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correctly prepared and if the questions are framed narrowly enough, nothing damaging will come out.

MR. SOUTHWELL: May I have a moment with Mr. Seidler?

THE COURT: Yes. Certainly.

(Discussion off the record among counsel)

THE COURT: Why don't we bring the witness in if you need answers to anything.

MR. SOUTHWELL: If I could just have a moment with Agent Campanella.

THE COURT: Sure.

INTERPRETER YUCEL-KAY: Can the interpreter help the defendant to talk to Mr. Seidler?

THE COURT: We have an abundance of interpreters, which we don't usually have, so I will allow you to do that while we have an abundance.

MR. SOUTHWELL: Your Honor, the answer is that it is a front. There is a very small amount of ancillary business to keep up appearances but, beyond that, it is a front.

THE COURT: So given that, Mr. Seidler, what is your intention?

MR. SEIDLER: Is the ancillary business in order to maintain the front?

All that I want to get at, is this another part of the deal where he is allowed to make money doing this while he is here and cooperating in other matters?

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THE COURT: How ancillary? How big?

MR. SOUTHWELL: It is a small ancillary business. He is allowed to keep approximately \$100 a week that he makes from that ancillary business which is perfectly legitimate.

MR. SEIDLER: Can I ask him as well, his agreement with the government concerning cooperation is that he is, in effect, getting paid \$100 a week for his services —

THE COURT: — by clients. What I heard was by clients.

MR. SEIDLER: By clients, but only because the government is allowing him to operate his business. If he is out on bail, there is no way that he could be operating this business.

THE COURT: I really don't know what you want to elicit from the witness that is probative of anything here.

MR. SEIDLER: He says that they are going to write him a 5K1 letter, help him with an S1 visa and directly or indirectly he is receiving compensation while he is cooperating.

THE COURT: He is being allowed to work a bit and to keep the earnings from that work.

MR. SEIDLER: I think that is work that he couldn't possibly be doing.

THE COURT: I don't misunderstand you. I am just trying to figure out how to narrowly allow it.

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[1] MR. SOUTHWELL: We already did elicit that the work
[2] authorization is an additional benefit.

[3] THE COURT: How about: Are you now benefiting from
[4] the work authorization?

[5] Yes. I am allowed to work a certain amount, and I
[6] earn about \$100 a week from it.

[7] MR. SOUTHWELL: Since this has become an issue, that I
[8] be allowed on redirect to ask whether he is also engaged in
[9] ongoing investigations because we objected to something and the
[10] jury is going to be wondering what we are hiding from them.

[11] THE COURT: Defense counsel may or may not want that
[12] in the record. It is another possible benefit.

[13] MR. SEIDLER: That also opens up another whole — I am
[14] agreeing that I am not going to ask him about his cooperation
[15] activities, but I think that is a two-way street in other
[16] cases.

[17] THE COURT: I agree, unless there is something in the
[18] record that really needs correction.

[19] Is there a place that you were cut off, Mr. Southwell?

[20] MR. SOUTHWELL: No. The concern was the fact of Mr.
[21] Seidler asking questions about his current business, and our
[22] objection and the sidebar and the impression left with the jury
[23] was that we were hiding something about Mr. Seizer's background.

[24] THE COURT: There have been so many sidebars in this
[25] case, I don't think that they actually know what is going on at

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[1] sidebar. I don't think that that is important enough to
[2] require correction.

[3] I do think, however, that the witness needs to be told
[4] that he is not going to be asked to go into his other
[5] activities. And if you want to do it here on the stand, we can
[6] or, if Mr. Seidler OKs Mr. Southwell talking directly to the
[7] witness.

[8] MR. SEIDLER: Mr. Southwell can talk to him. I have
[9] no problem with that. I am going to ask him if he has
[10] authorization from the government to earn money while he is
[11] released from jail.

[12] MR. SOUTHWELL: OK.

[13] THE COURT: So everyone needs a break. We will be on
[14] a break until 3:30.

[15] (Recess)

[16] MR. SOUTHWELL: Judge, after Mr. Seidler asks his
[17] question, I alerted him, as a result of him asking a line of
[18] questions that the witness is getting some benefits, I will go
[19] into it on redirect, as well as the agreement to waive the
[20] presence of counsel, one paragraph, so that the jury can
[21] understand that as well.

[22] THE COURT: I have been going through the transcript
[23] trying to find something that you can answer for me much more
[24] quickly. Has the government decided definitively not to offer
[25] any INS decisions?

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[1] MR. SIEGAL: We have made that final decision, and we
[2] decided and we withdraw those exhibits that I mentioned this
[3] morning from what we have moved in evidence.
[4] THE COURT: I found much to my embarrassment that
[5] 803(8) actually addresses it and says that that type of finding
[6] is admissible in a civil action but in a criminal action only
[7] against the government.
[8] I don't know how I spent our time looking at cases
[9] when the rule is clear but now we know.
[10] I think that we are ready to have the jury come in.
[11] MR. SIEGAL: We are going to go back to Special Agent
[12] Leeper after this witness, just for that one purpose.
[13] THE COURT: Sure.

[14]
[15] (Continued on next page)
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[1] (Jury present)
[2] THE COURT: Members of the jury, sometimes we take a
[3] much longer break than I told you that we were going to. What
[4] we are doing during that time is often whittling down the time
[5] that the trial will take. So I don't want you to feel that
[6] your time is wasted. It is quite usefully spent.
[7] All right. We are ready to proceed.
[8] CROSS-EXAMINATION (Continued)
[9] BY MR. SEIDLER:
[10] Q: Mr. Sezer, after you were released from jail at some point,
[11] did you receive authorization from the government to earn money
[12] from legitimate sources while you were cooperating?
[13] A: Yes.
[14] Q: And from that money were you told you have to declare and
[15] pay income tax on it?
[16] A: I didn't have any conversations related to this matter with
[17] anyone.
[18] Q: When you went from Turkey to Russia before you came to the
[19] United States, what year was that?
[20] A: 1997.
[21] Q: How long did you remain in Russia before you went to
[22] Portugal?
[23] A: Two and a half to three years, approximately.
[24] Q: Why did you move from Turkey to Russia?
[25] A: To continue on my university education in Russia and to do

Page 3

[1] business.
[2] Q: What kind of business were you doing in Russia?
[3] A: My family owned a leather business in Turkey, and I had
[4] gone to Russia to improve their wholesale sales in Russia.
[5] Q: Since the time that you have been released from jail in
[6] this case, have you sent any money to Rafet?
[7] INTERPRETER ESENDAL: I misunderstood.
[8] A: Yes.
[9] Q: How much money did you send to Rafet?
[10] INTERPRETER YUCEL-KAY: Your Honor, Mr. Seidler should
[11] probably repeat his question again.
[12] THE COURT: Could you please repeat your question?
[13] Is it how much money did you send to Rafet?
[14] INTERPRETER YUCEL-KAY: The one before that, your
[15] Honor.
[16] BY MR. SEIDLER:
[17] Q: Since you were released from jail on this case, have you
[18] sent money to Rafet?
[19] A: No.
[20] MR. SEIDLER: One second.
[21] I have nothing further. Thank you.
[22] MR. SOUTHWELL: Very briefly, your Honor.
[23] REDIRECT EXAMINATION
[24] BY MR. SOUTHWELL:
[25] Q: Mr. Sezer, you were asked a question on cross-examination

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[1] about whether you were authorized to earn money from legitimate
[2] sources while you were out cooperating. Approximately how much
[3] money do you make?
[4] A: I am not making much money in the office, 100 to 200
[5] dollars per week.
[6] Q: Is that from legitimate sources?
[7] A: Yes.
[8] Q: You were asked a question about a document that is marked
[9] for identification that should be in front of you, 3503D. I
[10] will show you what we have marked for identification as 3503D.
[11] You were asked a question about it on cross-examination?
[12] A: Yes.
[13] Q: What did you understand that agreement to be?
[14] A: What I understand, when I sign this document, I agree to
[15] meet with the government agent and the government prosecutor
[16] without the presence of my lawyer.
[17] Q: And that was in furtherance of your cooperation agreement,
[18] is that correct?
[19] A: No. They had separately asked me a question about this
[20] subject and I had agreed to do that.
[21] MR. SOUTHWELL: Your Honor, we offer 3503D.
[22] THE COURT: Any objection?
[23] MR. SEIDLER: No. I have no objection.
[24] THE COURT: Government Exhibit 3503D is received
[25] without objection.

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UNITED STATES OF
MUSTAFA OZ

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(Government Exhibit 3503D received in evidence)

Q: What is the date of that agreement?

A: 2/5/03. That is what I read from here.

Q: I'm sorry. Is that 2/5/03?

A: Yes.

Q: That is just a one-paragraph agreement, is that right?

A: Yes.

Q: Do you have Government Exhibit 15 in front of you?

A: Yes.

Q: That is the cooperation agreement, is that right?

A: Yes.

Q: If you turn to the last page, what is the date on which you signed the cooperation agreement?

A: January 9, 2003.

INTERPRETER YUCEL-KAY: Can the interpreter approach?

THE COURT: You can actually have a conversation with the other interpreter.

(Discussion off the record between the interpreters)

INTERPRETER ESENDAL: My colleague has indicated to me that during the questioning, like five or six questions back, I may have made a mistake and the answer from Mr. Sezer was yes, but when it was asked again by Mr. Seidler upon her request, then the correct answer came as no.

THE COURT: This has to do with payment to Rafet?

INTERPRETER ESENDAL: Yes, sending money to Rafet.

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THE COURT: What was the mistake?

INTERPRETER YUCEL-KAY: In the first question prior to the mistake, it was answered as "yes." And I don't know if it should get into the record as a question and an answer or it should be removed.

THE COURT: I believe that everything that the jury has heard should be in the record and it will be in the record, and I leave it to the counsel and the witness to make any corrections they think necessary in front of the jury.

INTERPRETER YUCEL-KAY: I am sorry, but I just want to make sure that the witness understood that question prior to, 100 percent, and his response is 100 percent.

THE COURT: Mr. Southwell can do that. Thank you. What you are doing is very helpful.

MR. SOUTHWELL: I think it was simply a misunderstanding when he answered yes, so let me ask it again to be clear.

BY MR. SOUTHWELL:

Q: After you were released from prison, did you ever send any money to Rafet?

A: No.

(Continued on next page)

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[1] MR. SOUTHWELL: I think it was.

[2] BY MR. SOUTHWELL:

[3] Q: Now, turning back to the cooperation agreement, Government Exhibit 15, if you will look next to the last page next to your signature, what is the date that is written there?

[6] A: 2-5-03.

[7] Q: And what are your obligations under this agreement?

[8] A: Not to commit anymore crimes, to tell the truth, and to testify in court.

[10] MR. SOUTHWELL: Your Honor, we move Exhibit 15 into evidence.

[12] MR. SEIDLER: I have a general objection to it.

[13] THE COURT: All right. This is Government Exhibit what?

[15] MR. SOUTHWELL: 15.

[16] THE COURT: All right. Just a moment. I will see you at sidebar.

[18] MR. SEIDLER: On cross-examination I didn't go into the specifics of the agreement at all.

[20] THE COURT: With which agreement?

[21] MR. SOUTHWELL: The cooperation agreement. We raised this before we begun.

[23] MR. SEIDLER: I said, Yeah, fine, but that doesn't mean I don't have an objection to it. I consent I have an objection. I didn't go into it on cross-examination at all.

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[1] THE COURT: I interpreted your silence as meaning no objection, but that is water over the damn. Let's consider the document now.

[4] You went into the many benefits he got from the government and it is only fair to present the complete agreement so I overrule.

[7] MR. SEIDLER: Okay.

[8] (Continued on next page)

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BY DEED
TITLED
CAPTIONED
NOT TO BE REPRODUCED.

65CAAOZSH

Hearing

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

02 CR 763 (KMW)

5 MUSTAFA OZSUSAMLAR a/k/a
6 "Mustafa Ozcan,"

7 Defendant.

-----x

8
9 New York, N.Y.
10 May 12, 2006
12:30 p.m.

11 Before:

12 HON. KIMBA M. WOOD,

13 District Judge

14 APPEARANCES

15 JAMES B. COMEY

16 United States Attorney for the
Southern District of New York

17 ALEXANDER SOUTHWELL

DAVID SIEGAL

18 Assistant United States Attorney

19 B. ALAN SEIDLER

Attorney for Defendant Ozsusamlar

20
21
22
23 ALSO PRESENT:

24 A.J. ELTERMAN, Turkish Language Interpreter

25 ASIYE YUCEL-KAY Turkish Language Interpreter

EX-1

65CAAOZSH

Hearing

1 (Case called)

2 THE COURT: Good afternoon. Please have a seat.

3 MR. SOUTHWELL: Good afternoon, your Honor.

4 Alexander Southwell, with the government.

5 With me is also Assistant United States Attorney David
6 Seigel and Special Agent Jack Campanella.

7 MR. SIEDLER: Alan Siedler, for Mr. Mustafa
8 Ozsusamlar.

9 THE COURT: Good afternoon.

10 And good afternoon, Mr. Ozsusamlar.

11 We are here for a hearing at which I understand the
12 government will be presenting three witnesses.

13 MR. SOUTHWELL: Yes, your Honor.

14 THE COURT: And unless Mr. Siedler wishes to state
15 anything beforehand I'll just suggest that the government call
16 its witnesses.

17 MR. SIEDLER: Well, actually I do.

18 There is a binder book before your Honor. Government
19 Exhibit 10S is what I am talking about.

20 THE COURT: 10S as in Sam?

21 MR. SIEDLER: Yes.

22 THE COURT: I'm sorry. I have 10 here.

23 MR. SIEDLER: Then after that is 10S.

24 THE COURT: I see. Yes.

25 MR. SIEDLER: That was a stipulation entered into two

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Hearing

1 years ago concerning the business records, the applications and
2 items filled out by Gwendolyn Dean. I am seeking to withdraw
3 from that stipulation for the purpose of this hearing for the
4 following reason and that is that for the last couple of months
5 we have attempted to obtain the employment records, the work
6 records of Gwendolyn Dean showing what hours she worked for the
7 Department of Motor Vehicles in Washington D.C.

8 Ultimately, the other day I received a transmission
9 from the District of Columbia Office of the Chief Financial
10 Officer for Monica Brown, Assistant General Counsel and is
11 seeking records from December 5 in particular. And the bottom
12 line is they have no work records, no hourly work records for
13 Gwendolyn Dean for any period other than December 15, 2001.

14 So based on that I don't think it's reasonable to
15 stipulate that she was working on any days other than December
16 15, 2001. I advised Mr. Southwell of this I think Wednesday
17 evening when I received the submission from Ms. Brown but that
18 is our position. And I noticed going through the book, the
19 exhibit book yesterday that there are a whole host of records
20 and exhibits pertaining to the work product of Ms. Dean, so
21 it's my request that the government either produce Ms. Dean to
22 authenticate the records or authenticate them some other way
23 besides the stipulation.

24 THE COURT: Well, I understand. Yes.

25 MR. SOUTHWELL: Well, your Honor, these records are

65CAAOZSH

Hearing

1 all in evidence from the trial. So all we are doing with
2 respect to having this binder put together is a convenient
3 package of exhibits that are already in evidence. So as an
4 initial matter I don't think that defendant or defense counsel
5 can withdraw from a stipulation previously entered into in
6 evidence.

7 As another matter, the stipulation is simply a
8 business record, custodian stipulation that the printout of
9 licenses issued by Dean are business records. It says nothing
10 about days that Ms. Dean worked or what her employment was.

11 THE COURT: It strikes me as much more efficient to
12 allow defendant to withdraw the stipulation and have perhaps an
13 affidavit about the business records. That will avoid one
14 issue down the road.

15 MR. SOUTHWELL: Perhaps, what I could propose is that
16 we proceed today on the basis that these are documents in
17 evidence and we can at a later date, if necessary, get an
18 affidavit that the documents that were provided were, you know,
19 such documents. Frankly, I don't really think it's necessary
20 because they are already in evidence and what the analysis --

21 THE COURT: But did they get into evidence by virtue
22 of defense counsel's stipulation?

23 MR. SOUTHWELL: Yes, they did.

24 THE COURT: I think that is an issue that you don't
25 want to have down the road. I think it would be inefficient.

65CAAOZSH

Hearing

1 All you need is an affidavit from the custodian? Isn't that
2 right?

3 MR. SOUTHWELL: Right. That's fine. It would just
4 delay the ultimate -- you know, actually getting to the
5 ultimate end of the case with respect to this Court but I think
6 if it's permissible to proceed subject to connection we will
7 put that all in. We will get the affidavit and that will --
8 it's -- what the affidavit relates to is Government Exhibit 10
9 and 11 which were, it was basically a printout, electronic
10 printout of the licenses Dean issued and then a collection of
11 some applications for those and all we're going to be using
12 today is ten and some documents that were prepared based on
13 ten. All of which were already admitted into evidence at trial
14 but we can certainly get an affidavit to the affect of what is
15 in this stipulation and then just proceed today subject to
16 connection.

17 THE COURT: And the key factual point that would be
18 stated in the affidavit is that these were issued by Gwendolyn
19 Dean, notwithstanding, an in absence of records of certain
20 kinds of records indicating she worked these days.

21 MR. SOUTHWELL: Right. I think -- I don't know
22 what -- defense counsel certainly informed me of this. I don't
23 know what effort they went to find it. I don't know what state
24 their record are --

25 THE COURT: To find what?

65CAAOZSH

Hearing

1 MR. SOUTHWELL: To find the records as they relate to
2 Ms. Dean's employment.

3 THE COURT: Why don't we -- I understand. And so I
4 think I am wasting your time if we continue. You'll just check
5 and let us all know. So they can be admitted provisionally and
6 I have two questions for the government that I don't want to
7 lose track of, so I'll mention now. They don't relate to your
8 witnesses.

9 Defense counsel claims that Borya is Fetasof and that
10 there is a statement in the March 19, 2002 telephone call that
11 Borya is connected somehow to insurance fraud; is that what you
12 are claiming, Mr. Seidler?

13 MR. SIEDLER: Yes, your Honor.

14 THE COURT: And is that based on page 155?

15 MR. SIEDLER: Yes, your Honor.

16 THE COURT: At the bottom?

17 MR. SIEDLER: Yes, your Honor.

18 THE COURT: And how would I relate the word Borya to
19 insurance fraud based on this?

20 I think you need to speak louder or look toward the
21 court reporter.

22 MR. SIEDLER: Actually, the transcript they're talking
23 about the driver's license scam but not particularly about the
24 insurance.

25 THE COURT: All right. And so you would withdraw your

65c5ozs2

1 if you will give me a chance, your Honor.

2 THE COURT: Go ahead.

3 THE DEFENDANT: First of all, I don't know why I came
4 to this Court today, for what purpose. 10 days ago my attorney
5 visited me at the MCC. He told me that June 14th letter issue,
6 Fedesov issue.

7 INTERPRETER: The interpreter is repeating
8 acoustically without understanding the meaning. "Fedesov
9 issue."

10 THE DEFENDANT: My attorney told me that we would be
11 going to court in order to explain the lies that were stated
12 during the trial by the witnesses testified during the trial by
13 Igor Sworkin, Ridvan Sezer and Iouri Bobik, and Campanella.

14 THE COURT: Would you like to take the stand now?

15 THE DEFENDANT: None of my motions that I submitted,
16 the motions that are made have been responded to, have been
17 answered by the prosecution.

18 If now if I'm to take the stand and I cannot express
19 my wishes, what I have to say, what I need, what I feel that
20 needs to be stated, then what is the purpose of this Fatico
21 hearing? And I didn't even know that this was Fatico hearing.

22 According to what my attorney tells me is the Judge
23 has made an order or a ruling and I cannot make a statement or
24 I cannot say anything. If this is the situation, why am I
25 coming to Court if everything is decided?

65c5ozs2

1 THE COURT: Mr. Seidler.

2 MR. SEIDLER: I never told Mr. -- you know, I --

3 THE COURT: I'm sorry. Please speak loud.

4 MR. SEIDLER: I never told Mr. Ozsusamlar that he
5 can't say anything. I told him that he can't say anything with
6 regard to the Rule 33 motion that's pending because that's not
7 the topic of what we are doing now and that we are here to
8 discuss sentencing issues and his testimony had to be limited
9 to those issues and that's what your Honor ruled on and that's
10 what we had to accept.

11 That's all I said. I never said he can't testify.

12 THE COURT: I understand what you say.

13 Did you advise Mr. Ozsusamlar that we would be hearing
14 testimony today on issues for sentencing, essentially the
15 number, if any, of fraudulent licenses that could be attributed
16 to your client?

17 MR. SEIDLER: Yes. That's been the subject of
18 transmissions back and forth now for almost two years. It was
19 adjourned for that purpose the last time we were in court. It
20 was adjourned for a Fatico hearing on those issues.

21 I also, when I went to see him, I explained that the
22 Rule 33 issue was still open and that those issues still had to
23 be decided by the Court.

24 THE COURT: I will be deciding them. I will be
25 issuing a decision shortly on those motions.

C

65c5ozs2

1 The only issue before us today is the sentencing issue
2 I have just described. Mr. Ozsusamlar, if you want to testify
3 about that issue, come forward now.

4 THE DEFENDANT: As the attorney told me inside and as
5 the interpreter heard inside is that I cannot say anything so
6 why should I take the stand and go there if I cannot say what I
7 want to say?

8 THE COURT: Mr. Ozsusamlar, I know that you are a
9 smart man. I know that you understand what has been happening
10 in earlier proceedings here and that you understand what
11 Mr. Seidler just said to you. Now, it is your decision whether
12 you want to take the stand to testify about the sentencing
13 issue I described. If you do not, then sit down. If you wish
14 to, come forward.

15 THE DEFENDANT: No, the prosecution has had the
16 opportunity to bring forth all the statements, witness
17 testimonies, things that have been said by other people before.
18 They have brought it up and I was told that I can refute them.
19 What has been said as the Judge, yourself, your Honor, has told
20 me, I can refute those so that's why I want to prove the lies.

21 THE COURT: Come forward.

22 THE DEFENDANT: (In English) Thank you. Can I take
23 my file with me?

24 THE COURT: Yes.

25 MUSTAFA OZSUSAMLAR,

45660ZS1

Deeper - cross

EX-18.

1 Q. It was airy? There was sunlight or windows?

2 A. There were windows. Nighttime. There are windows.

3 Q. You offered Mr. Ozsusamlar food?

4 A. I did, which he turned down.

5 Q. You asked him how he was feeling, if he had any medical
6 problems?

7 A. Yes, I did.

8 Q. You said you provided him with an interpreter but he
9 decided against it?

10 A. That is correct.

11 Q. And you then described a statement which he made; correct?

12 A. That is correct.

13 Q. Now, when you were offering him these amenities, did you
14 offer him a tape recorder so that his statement could be
15 recorded on the machine?

16 A. No, I did not.

17 Q. Did you ask him to sign his written statement?

18 A. No, I did not.

19 Q. Now, this statement that you were taking from
20 Mr. Ozsusamlar was being used for Immigration purposes as well
21 as possible criminal charges; correct?

22 A. From the defendant?

23 Q. Yes.

24 A. That's correct.

25 Q. Let me go back to earlier on December 5, 2001 on the

456UOZS2

Leeper - cross

K. 3

1 that they are illegal aliens.

2 And there is a statement that is given to the judge
3 that is the respondent's own words: So an interpreter is
4 either called and we do a conference call with the interpreter
5 the agent or agents and the respondent. And English is spoken
6 within the context of that, as well as the native tongue is
7 spoken within the context of that.

8 It is written down at some point, and it is gone over
9 and then it is signed before the actual interpreter is out of
10 the picture. So it is a mix of both English and of the native
11 tongue.

12 Q. You do that because, as you say, it is important because it
13 is going -- the document, the statement -- to go before a
14 judge?

15 A. Yes. That's correct, absolutely.

16 Q. You testified as well that with regard to Government
17 Exhibit 43 --

18 MR. SEIDLER: Could I have that up, please.

19 Q. -- that was \$3700 that was found in Ozsusamlar's wallet?

20 A. That's correct.

21 Q. And all of the bills were 50s and 100s?

22 A. In the wallet he had some money on him also, but what was
23 actually in the wallet, that is it.

24 Q. Were they new bills?

25 You can look at them to see if that refreshes your

456UOZS2

Leeper - cross

1 recollection.

2 A. I don't need to be refreshed. I appreciate that.

3 I remember counting out all of the money. It was a
4 conglomeration of newer bills and older bills. It looked like
5 there were very new bills, crisp to the touch. And also as you
6 looked at them, they were clean. And then there were others
7 that had been handled quite a bit. It was a range. It didn't
8 all look like it came from the bank, from one source; it looked
9 like it had come from more than one.

10 Q. How much money did Mr. Ozsusamlar have on his person other
11 than the \$3700?

12 A. It was under \$100. It was like 90-something. I cannot
13 remember exactly. It was under \$100.

14 Q. Yesterday you also testified that with regard to Government
15 Exhibit 34A --

16 MR. SEIDLER: May I have that, please.

17 Q. -- that the name Patel is mentioned?

18 A. Yes. If you look at the lefthand corner towards the top of
19 the document.

20 Q. What comes --

21 A. Sideways, it says P-A-T-E-L, space, which is Patel.

22 Q. Right. And then D.C., correct?

23 A. Then the letters D-C.

24 Q. Then what is the next word?

25 A. I don't know if I can read all of that.

455UOZS1

Leeper - direct

EXH.A.

1 an opportunity to search his person?

2 A. Yes, I did search the defendant.

3 Q. What if anything did you find on him?

4 A. Among other things, I found two pieces of yellow paper in
5 his pockets. And on those pieces of paper were names. There
6 were some dates of birth and, also, some phone numbers on them.
7 It appeared to me it was a cheat sheet, so to speak, of the
8 people that were in the van.

9 THE INTERPRETER: Your Honor, excuse me. The
10 interpreter doesn't know the meaning of "cheat sheet."

11 THE COURT: Let's strike it from the record. What is
12 going on in this agent's mind, I think, is something that the
13 jury can figure out on its own.

14 MR. SIEGAL: Fair enough, your Honor.

15 BY MR. SIEGAL:

16 Q. Showing you what's been marked as Government Exhibits 34A
17 and B, could you take a look at those, please? Do you
18 recognize 34A and B?

19 A. Yes, I do.

20 Q. How do you recognize them?

21 A. Because these are the pieces of paper that I pulled out of
22 the defendant's pocket when I arrested him.

23 MR. SIEGAL: The government offers 34A and B.

24 MR. SEIDLER: No objection.

25 THE COURT: Government Exhibits 34A and B are received.

455U0ZS1

Leeper - direct

1 the board -- Champaben Patel, Ramilaben Patel and Bikhabai
2 Patel.

3 A. Yes.

4 Q. You look at the second page.

5 MR. SIEGAL: Let me put this down to make sure that
6 all of the jurors can see.

7 Q. You can look at the back side of 34A.

8 A. Yes.

9 Q. Any names related to any of the folks that you saw in the
10 van?

11 A. No. 3 on the list, the last name of Mirza, a person in the
12 van also had that same last name of Mirza.

13 Q. Are you referring to Abid Mirza?

14 A. I am.

15 Q. Did there come a time when you asked that anything else be
16 searched in this connection?

17 A. Yes. I asked the Metropolitan Police Department to go
18 ahead and do a complete search of the van.

19 Q. Were any items seized as a result of the search?

20 A. Yes, they were.

21 Q. Did you observe the search being undertaken?

22 A. Yes, I did.

23 Q. What happened to items seized in the search?

24 A. I took custody of those items and then I inventoried them
25 in my own evidence locker.

Excerpt, April 22, 2003

EX:K.

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pab

1 A Yes, he did. He paused a moment and then
2 he said that the New Jersey driver's license with
3 the name Mustafa Ozsusamlar was his real identity
4 and that the D.C. driver's license, the Missta
5 Oscane, was his fake one.

6 I then asked him about the status of, I
7 said, "Well, how about the 'green card'?"

8 And he said, "That's my 'green card.'"

9 I then asked him, "Well, what about what
10 you told me, as far as being a B2 overstay?" And
11 he said that that was not the truth. The truth was
12 he was a lawfully admitted permanent resident, and
13 that was his "green card."

14 Q At any time before this conversation had
15 you advised the defendant of his Miranda rights?

16 A No, I did not.

17 Q And what happened at the end of that
18 conversation? Did you two say anything else?

19 A At that point, I just got out of the
20 vehicle. I believe that's all that happened.

21 THE COURT: I'm sorry. You previously
22 advised the other individuals of their Miranda
23 rights.

24 THE WITNESS: Yes, I did, sir.

25 THE COURT: And this defendant was in the

Leepel

49

pab

1 rear of the police car at the time you interviewed
2 him, right?

3 THE WITNESS: Yes, sir.

4 THE COURT: Was there a reason why you
5 didn't advise him of his rights?

6 THE WITNESS: Yes, sir. In the first
7 case, with the van-load, I was presented with
8 passports that had a lot of suspicious markings,
9 and lack of visas, and it looked, on its face, like
10 I was going to be making some arrests because they
11 didn't have what it took if this, in fact, were the
12 individuals, if it checked out. So just kind of as
13 a cautionary thing, I went ahead and read them
14 their rights.

15 I had only a D.C. driver's license on the
16 driver of the van and didn't have anything else to
17 think that, you know, anything was up, except, you
18 know, what they had said about him, but I--so I
19 just approached it from that angle.

20 THE COURT: All right. But you knew there
21 was a right answer and a wrong answer to--you gave
22 him choices. You gave him information from which
23 he could make a choice; is that right?

24 THE WITNESS: Which one, sir?

25 THE COURT: This defendant.

Leeper

pab

50

1 MR. YETTE: Oh, well, I think, Your Honor,
2 he may have been talking about the first time he
3 spoke to the defendant outside of the car. He had
4 not advised him.

5 THE WITNESS: Yes, right.

6 BY MR. YETTE:

7 Q Is that right?

8 A Yes, on my initial contact with him before
9 I even knew what he was, all I had was a driver's
10 license.

11 THE COURT: Right. Right. Did you ever
12 advise this defendant of his rights?

13 THE WITNESS: No, not at the scene, sir.

14 THE COURT: All right.

15 BY MR. YETTE:

16 Q And when you got into the car with the two
17 different identities--

18 A Yes.

19 Q --was there a reason you didn't advise him
20 before you spoke with him that time?

21 A Yes, I was still trying to figure out what
22 was going on. It was totally investigatory.

23 THE COURT: I guess my question is this.
24 Was there a right answer and a wrong answer, and if
25 he gave the wrong answer, would he incriminate

1 I THINK THAT WILL ASSIST THE COURT IN DECIDING THAT
2 THESE WERE NOT CUSTODIAL STATEMENTS.

3 THE COURT: ALL RIGHT.

4 ALL RIGHT, THEN I'LL SEE COUNSEL AT TWO O'CLOCK.

5 I'M GOING TO LET THE JURY PANEL GO. WE'LL BRING IN A
6 NEW PANEL TOMORROW. APPARENTLY, THERE'S SOME DISCOMFORT IN THE
7 JURY ROOM. I DON'T KNOW. JUST BECAUSE PEOPLE --

8 HAVE THEY BEEN SITTING ON OTHER JURY PANELS OR
9 SOMETHING?

10 THE DEPUTY CLERK: THEY PROBABLY HAVE.

11 THE COURT: ALL RIGHT, THEY'VE BEEN HERE HALF A DAY.
12 SO WE'LL BRING IN ANOTHER PANEL, BUT I'LL SEE COUNSEL AGAIN AT
13 TWO O'CLOCK.

14 MR. YETTE: THANK YOU, YOUR HONOR.

15 MR. SAMAD: THANK YOU, YOUR HONOR.

16 THE COURT: THANK YOU, BUT YOU CAN GO AHEAD AND EXCUSE
17 YOUR WITNESSES FOR THE DAY, IF YOU WANT TO, COUNSEL.

18 MR. YETTE: THANK YOU.

19 (RECESS FROM 12:03 P.M. TO 2:45 P.M.)

20 THE COURT: WHAT'S STILL TROUBLING THE COURT IS THIS
21 MIDDLE-EASTERN REFERENCE.

22 LET ME JUST ASK THE GOVERNMENT. SUPPOSE THAT WERE
23 REMOVED FROM THE DECISION-MAKING PROCESS, THE ETHNIC ORIGIN OF
24 THESE PEOPLE. WOULD THERE STILL BE ARTICULABLE SUSPICION?

25 MR. YETTE: YES, YOUR HONOR. YOU COULD PUT AN ENTIRE

1 VANLOAD OF CAUCASIANS, BLACK PEOPLE, WHATEVER KIND OF PEOPLE
2 YOU HAVE. THE IMPORTANT POINT IS FILLING OUT APPLICATIONS IN
3 FRONT OF A GROUP OF PEOPLE, IN FRONT OF THE DMV, AND THEN,
4 BECAUSE THAT IS NOT YOUR TYPICAL SCENARIO WHERE -- TYPICALLY, A
5 PERSON IS GOING TO GO TO THE DMV AND FILL OUT THEIR OWN
6 APPLICATION. HERE, IT'S LIKE HE'S INTERVIEWING SOMEONE TO FILL
7 OUT AN APPLICATION FOR SOMEONE ELSE, WHICH COULD BE INNOCENT,
8 BUT THEN YOU HAVE THE REACTION OF THE DEFENDANT WHEN HE
9 REALIZES THE OFFICER IS THERE, WHICH IS TO HIDE THAT
10 APPLICATION. WHY HIDE IT IF IT'S PERFECTLY LEGITIMATE? SO,
11 EVEN IF IT WERE A GROUP OF CAUCASIANS OR AFRICAN-AMERICANS IN
12 THE CAR, WHATEVER MIX OF PEOPLE YOU HAVE, IT'S THE DEFENDANT'S
13 REACTION, HIS EVASIVENESS.

14 THE COURT: WELL, THE GOVERNMENT IS GOING TO HAVE TO
15 BRING IN SOME KIND OF AUTHORITY THAT SUPPORTS WHAT YOU JUST
16 SAID. I MEAN, IT'S VERY TROUBLING THAT THE UNITED STATES COMES
17 TO A FEDERAL COURT AND ASKS THAT PROBABLE CAUSE BE FOUND
18 BECAUSE SOMEONE MATCHING AN ETHNIC DESCRIPTION OF SOMEONE WHO
19 THE POLICE OFFICER BELIEVES COMMITTED CRIMES IN OTHER
20 JURISDICTIONS HAS DONE SOMETHING WRONG. THAT'S VERY TROUBLING,
21 INDEED, AND I THINK THAT THE LOGICAL QUESTION IS, IF YOU REMOVE
22 THAT FROM THE EQUATION, IS THERE STILL ENOUGH? I'M NOT SURE
23 THERE IS. I'M NOT SURE THERE IS, AND I'M NOT SURE HOW FAR
24 JUDGES SHOULD GO IN DETERMINING, YOU KNOW, WHETHER OR NOT
25 ETHNIC ORIGIN, WITHOUT MORE, IS SUFFICIENT FOR SOME SORT OF

pab

1 then--

2 Q Excuse me. At any time before that, after
3 you got out of the car, had this defendant been
4 searched?

5 A I never searched him. I'm not aware of
6 anyone that searched him.

7 Q Had he ever been handcuffed prior to you
8 giving the order to handcuff him?

9 A No, he wasn't handcuffed until after both
10 interviews had happened and I made a determination
11 that we had probable cause to arrest each and every
12 one, and then we arrested, we actually put the
13 handcuffs on everybody at the same basic time.

14 Q Now, did you take the defendant back to
15 your office?

16 A I did.

17 Q Where was that located?

18 A That's in Alexandria, Virginia.

19 Q Did you conduct an interview of the
20 defendant at your office?

21 A I did.

22 Q Before that interview, did you advise him
23 of his Miranda rights?

24 A I did.

25 Q Describe how that interview took place.

4-11-13

1 MR. YETTE: NO, YOUR HONOR, BUT I THINK --

2 THE COURT: OR IF SOMEONE IS A BLACK MAN, THAT'S PRIMA
3 FACIE SUSPICIOUS ACTIVITY?

4 MR. YETTE: NO, YOUR HONOR.

5 THE COURT: IT'S VERY TROUBLING, THIS SCENARIO OF
6 FACTS THAT THE GOVERNMENT HAS PRESENTED AND ASKING THE COURT TO
7 PUT ITS IMPRIMATUR ON IT.

8 MR. YETTE: WELL, YOUR HONOR, THE FACTS ARE WHAT THEY
9 ARE. I CAN'T CHANGE THE MIX OF PEOPLE THAT WERE ACTUALLY IN
10 THE VAN, AND WE CAN'T CHANGE THE TIMES THAT WE ACTUALLY LIVE
11 IN. THIS WAS ONLY THREE MONTHS AFTER SEPTEMBER 11TH, AND I'M
12 NOT EVEN --

13 THE COURT: IS THERE ANY AUTHORITY WHATSOEVER THAT
14 SAYS THAT JUDGES POST 9/11 ARE SUPPOSED TO TREAT FACT SCENARIOS
15 DIFFERENTLY THAN THEY DID BEFORE 9/11? I'M NOT AWARE OF ANY.

16 MR. YETTE: NO. THE CASE LAW HAS ALWAYS BEEN THAT YOU
17 LOOK TO THE TOTALITY OF THE CIRCUMSTANCES, AND WHETHER OR NOT
18 WE LIKE IT, THIS IS PART OF THE TOTALITY OF THE CIRCUMSTANCES.
19 THE COURT CAN IGNORE THAT OR MAYBE NOT FACTOR THAT IN, BUT I
20 CAN'T CHANGE THE MIX OF THE PEOPLE THAT WERE IN THE VAN. THAT
21 IS PART OF THE EQUATION, THE TOTALITY OF THE CIRCUMSTANCES.
22 THAT'S JUST THE WAY IT IS IN THIS WORLD, AND IT WOULD BE NICE
23 TO AVOID RACE IN ALL CIRCUMSTANCES, BUT MANY TIMES WE ARGUE
24 THAT RACE IS A RELEVANT FACTOR, IN THE AFFIRMATIVE ACTION --

25 THE COURT: OH, THAT'S COMPLETELY DIFFERENT. THAT'S

EX:J-A.

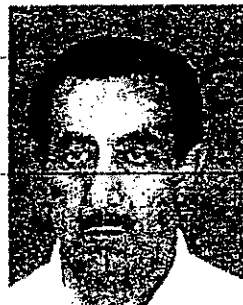
EX:J-A.

CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, CLARKSON, NY 12034

PRIVACY ACT OF 1974 (P.L. 93-579) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED AND OTHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.

JUVENILE FINGERPRINT PERMISSION YES <input type="checkbox"/> YES AS ADULT YES <input type="checkbox"/>		DATE OF ARREST MM DD YY 12/06/2001	ORI CONTRIBUTOR ADDRESS WASH, DC REPLY YES <input type="checkbox"/> DESIRED
SEND COPY TO: INTER OR?		DATE OF OFFENSE MM DD YY 12/05/2001	PLACE OF BIRTH (STATE OR COUNTRY) TY
REPORTED NUMB. OF		SCARS, MARKS, TATTOOS, AND AMPUTATIONS	
RESIDENCE/COMPLETE ADDRESS 184 EAST 3RD ST NYC 10009		LOCAL IDENTIFICATION/REFERENCE	
FINGERPRINTS LINDSAY		IDENTIFYING AGENCY METHOD AND SERIAL NO.	

TITLE 18 US CODE 1028



METROPOLITAN POLICE DEPARTMENT
Washington, D.C.

ARREST PROSECUTION REPORT

PD 163 Rev. 6-94 G.O. 401.5

1. PERSON NOTIFIED OF NAME CHANGE - UNIT - DATE - TIME - NCIC - ID Only

2. ID NUMBER (ID Only) **518257**

3. DEFENDANT'S TRUE NAME - LAST, FIRST, MIDDLE (ID Only)

4. ID NUMBER

5. UNIT ARREST NO. **610103734**

6. DEFENDANT'S NAME - LAST, FIRST, MIDDLE (At time of arrest) **Ozsusamlar, Mustafa**

7. CEA LAB NUMBER

8. Arresting Officer's Name **L. Branson**

9. TYPE OF RELEASE ☐ CITATION ☐ BOND ☐ COLLATERAL

10. NICKNAME ALIAS **Misssta Oscane**

11. PHONE NUMBER **917-405-3073**

Rank **263** Badge # **MPD** Agency **12/06/01**

12. COURT DATE **12/06/01**

13. ADDRESS (include Room, Apt No., City & State if Outside D.C.) **184 East 3rd ST. N.Y.C. 10009**

14. TIME IN D.C.

15. ☐ CHILD ABUSE ☐ GANG ☐ HATE ☐ SENIOR CITIZEN ☐ DOMESTIC VIOLENCE

16. SEX **M** 17. RACE **W** 18. BIRTHDATE **12/1/44** 19. SOCIAL SECURITY NUMBER **146-82-2163**

20. NEED INTERPRETER Yes ☐ No ☐ 21. HEIGHT **5'5"** 22. WEIGHT **170** 23. HAIR **BLK** 24. EYES **Brn** 25. COMPLEX **Brn** 26. PERMIT NO-ST **Turkey** 27. BIRTHPLACE (City & State)

28. CO-DEFENDANTS: Number (If more than 3, list on back)

29. IMPERSONATOR? ☐ M ☐ F

30. ETHNICITY **INS** 31. CAUTION

32. SCARS/MARKS/TATTOOS

33. HAT 34. JACKET 35. PANTS

36. COAT 37. SHIRT 38. SKIRT-DRESS

39. WALES/NCIC CHECK

CHECK MADE BY (Name) **ROBINSON** NCIC NUMBER **64372** WARRANT ON FILE (If Yes, enter Warrant Number(s)) Yes ☐ No ☐

40. LOCATION OF OFFENSE (Exact Address, include Room, Apt No.) **500 block Indiana Ave NW** DATE OF OFFENSE **12/05/01** TIME OF OFFENSE **15:30**

41. LOCATION OF ARREST (Exact Address, include Room, Apt No.) **500 block Indiana Ave NW** DATE OF ARREST **12/05/01** TIME OF ARREST **15:30**

42. ASSISTING OFFICER'S NAME, BADGE NO. & UNIT OR AGENCY **Mark Leeper INS** ASSISTING OFFICER'S NAME, RANK, BADGE NO. & UNIT OR AGENCY **Angele Parisi D184 MPD**

43. DEFENDANT ADVISED OF RIGHTS

DATE **12/05/01** TIME **23:00** LOCATION **INS Field Office** OFFICER'S NAME - ADVISING **Mark Leeper** COMPLETING PD FORM 47.47A **INS** BADGE NO. **INS** UNIT **INS**

44. COMPLAINANTS - WITNESSES (If sworn member - Name, Rank, Badge No. and Unit) MORE ☐ See Back

NAME - LAST, FIRST, M.I. ADDRESS - STREET, CITY, STATE, ZIP CODE BIRTHDATE HOME PHONE NO. WORK PHONE NO.

45. SPEC. OPS. 46. TACTICS 47. PREMISES 48. SCHOOL ZONE ☐ PUBLIC HOUSING ☐

49. ENTER THE LEAD CHARGE FIRST

CHARGES NOI OR WARRANT NUMBER CCN MPD DISPOS. COLLA. BOND RECEIPT NO.

1. **Title 18 US Code 1028** **171 453**

2.

3.

4.

5.

50. PROPERTY RECOVERED - ITEMS OF EVIDENCE 51. INITIALS - DATE - UNIT OF PERSON TAKING PRINT 52. RIGHT THUMB PRINT

PROPERTY BOOK PAGE NO. CSSES NO.

52. M.O. WEAPONS, HANGOUTS, HABITS, INSTRUMENTS **Involved in Alien smuggling obtaining fraudulent I.D.**

54. CCB USE ONLY HEIGHT WEIGHT HAIR EYES COMPLEX SCARS/MARKS/TATTOOS

X3



EX:J.

EX:J.

Case#:
Tape#: 03/19/02
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I: IOURI, IOURI, uh, from Brooklyn.

CW: IOURI from Brooklyn.

I: [Say,] "I myself am from Florida. Uh, it's IOURI from Brooklyn that, uh, gave me your phone number."

CW: (UI)

I: 917.

CW: Hold on. How much?

I: (Laughs.) How much?

CW: How much? (Laughs.)

I: Yes. 917.

CW: (Laughs.)

I: 4-4-9. Is it too much?

CW: (Laughs.)

I: 34-74. (Joking.) A shitload. No, I'm not going to take it//

CW: //(Laughs.) 917-4-4-9-3-4-7-4?

I: Yes.

CW: MUSTAFAH.

I: MUSTAFAH and RA...RA...

CW: RAFEL.

I: RAFEL. That is, either MUSTAFAH or RAF...or RAFEL. RAFAEL or something.

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Tape#: 03/19/02
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CW: (Takes the phone.) Hello?

(Response IA.)

CW: Yes, he says we're, uh, eating right now and we'll be there...

CW: (To I.) Like twenty minutes? Or say thirty minutes?

I: Maximum half an hour.

CW: Max...maximum half an hour. Is it all right? Are you gonna, are you still gonna be there?

(Response IA.)

CW: Yeah, okay. Okay, I'll call you right back. Okay, okay.

(Response IA.)

CW: Bye. Bye.

(End of phone call)

CW: What the hell is that?! Shit, my English... Your English is better than his.

I: No, it's okay. Why? (UI)//

CW: //I can't keep up with his accent.

I: He's a Turk.

CW: Where is (UI) King's, King's Highway//

I: //(UI)

CW: //...and east Nineteenth. What does he want?

I: For us to go there. He's probably afraid to say something on the phone.

CW: (UI) phone.

Case#:
Tape#: 03/19/02
Page 183

CW: About four grand. Directly, cash. Four. Well, up to five grand. I'll collect it [in cash] when I get back. Is it a Russian driving CL? CL six hundred. (Brief pause.) (Yawns.) EMG.

I: EMG wheels.

CW: EMG?

I: Huh?

CW: Which are even more expensive, right?

I: One wheel is about \$500. (UI).

CW: He is driving it.

I: And fourteenth, right?

CW: Yeah, yeah, yeah. (UI) Arc Way Center (PH). (Yawns.)

I: Well, it is in it.

CW: Okay, what is his name, I already forgot. Uh...

I: Like MUSTAFAH.

CW: Yes, I'll call MUSTAFAH. MUSTAFAH. (Sounds of dialing.) (UI) phone. Fourteenth (UI).

I: Say, "I wanted (UI)."//

CW: //(UI).

(CW aside on the phone)

CW: Hello?

(Response IA.)

EX:1.

EX:1.

1

CAMPANELLA

3510-I

UNITED STATES GRAND JURY
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

RAFET OZOGLU,
a/k/a "Mehmet Ak,"
MUSTAFA OZSUSAMLAR,
a/k/a "Mustafa Ozcan,"
GWENDOLYNN DEAN,

Defendants.

United States Courthouse
40 Foley Square
New York, New York

Thursday, October 17, 2002
2:17 p.m.

APPEARANCES:

ALEXANDER SOUTHWELL
Assistant United States Attorney

JENNIFER THUN,
Grand Jury Reporter

ORIGINAL

TANKOOS REPORTING COMPANY, INC.	
305 Madison Avenue	142 Willis Avenue
Suite 449	P.O. Box 347
New York, N.Y. 10165	Mineola, New York 11501
(212) 349-9692	(516) 741-5235

J. Campanella - 10/22/02

insider inside the Department of Motor Vehicles, a female who could supply driver's licenses.

Q. Did you learn whether Mr. Bobik ever obtained -- himself obtained any Washington, D.C. drivers' licenses?

A. Yes, Mr. Bobik advised me that using the name Yuri Nikolaev, he paid Cesar the money for the driver's license and in turn traveled from the New York City area to Washington, D.C. on Avenue C outside the Department of Motor Vehicles in the District of Colombia. Rafet and Mustafa, in turn, filled out his application and took him inside the Department of Motor Vehicles which, in turn, he received a driver's license in the name of Yuri Nikolaev.

Q. Did you learn from Mr. Bobik about what you paid for that license under the name Yuri Nikolaev?

A. He paid \$2,000 for that license approximately \$2,000.

Q. And did you learn about whether he paid for that initially?

A. He initially paid Cesar that money in Brooklyn and Mustafa and Rafet finished the

1 J. Campanella - 10/22/02

2 transaction in the District of Columbia for him.

3 Q. When you say "finish the transaction,"
4 what do you mean?

5 A. Process the license, filled out the
6 application and escorted him inside the Motor
7 Vehicle Department on Avenue C in the District of
8 Columbia.

9 Q. Did you learn whether Mr. Bobik had any
10 further involvement with this conspiracy to obtain
11 Washington, D.C. driver's licenses for other people?

12 A. Yes, Mr. Bobik was in the business of
13 providing clients who needed identification
14 documents. He provided Rafet, Mustafa and Cesar
15 with approximately five or six more clients who
16 wanted and obtained a Washington, D.C. driver's
17 license.

18 Q. And what was the cost for those driver's
19 licenses?

20 A. Again, it was approximately \$2,000 per
21 license.

22 Q. Now, did you learn any additional
23 information about the operations of this fraudulent
24 identification document conspiracy?

25 A. Yes. I learned on December 5, 2001

J. Campanella - 10/22/02

2 Mustafa Ozsusamlar had been arrested in the District
3 of Columbia. Mr. Ozsusamlar had driven a van from
4 the New Jersey area to the Department of Motor
5 Vehicles office in the District of Columbia on
6 Avenue C.

7 A Washington, D.C. police officer had
8 observed Mr. Ozsusamlar inside the van filling out
9 applications for driver's licenses for several
10 foreign nationals. The police officer notified
11 federal authorities, who subsequently arrested
12 Mr. Ozsusamlar on December 5, 2001.

13 Mr. Ozsusamlar in his post-arrest
14 statement told federal authorities that he was in
15 the business of supplying identification documents
16 and that one of his partners was, in fact, Yuri
17 Nikolaev.

18 Q. Again, to be clear, what do we -- what
19 did you learn about who Yuri Nikolaev was?

20 A. Yuri Nikolaev, in fact, Iouri Bobik.

21 Q. And what was the basis -- how is it that
22 you know about this arrest in December of
23 Mr. Ozsusamlar?

24 A. I was advised by an Immigration agent in
25 the District of Columbia of this arrest.

Case#:
Tape#: 03/19/02
Page 158

CW: MUSTAFAH. RAF... RAF... (UI).

I: Call, call him directly.

CW: (UI). IOURI. (UI) which IOURI. Which one of them? Which one?

(CW on the phone)

CW: Hello?

(Response IA.)

CW: Uh, may I speak with MASTA...MUSTAFAH?

(Response IA.)

CW: Hold on one second.

(Response IA.)

CW: Here. (Hands the phone to I.)

I: Hello?

(Response IA.)

 I: Hello, MUSTAFAH?

(Response IA.)

I: This is IOURI. IOURI. [Do] you remember me?

(Response IA.)

I: How are you?

(Response IA.)

I: Listen, is my friend. He, uh, wants, you know...

(Response IA.)

EX:G.

29

V2CCHLOBP

SEALED

1 states of the United States, Washington, Florida, and North
2 Carolina. I'm sorry, Washington, D.C.

3 In addition, I staged car accidents in order to
4 receive medical benefits. In addition, I participated in
5 obtaining money for fraudulent insurance documents, insurance
6 claims.

7 THE INTERPRETER: I'm sorry.

8 THE DEFENDANT: This is basically essentially all the
9 violations, crimes I committed.

10 THE COURT: Mr. Bobik, with respect to the conspiracy
11 to commit bribery of a public official, did you meet with
12 anyone in Manhattan in connection with that illegal agreement?

13 THE DEFENDANT: Yes, I met people in Brooklyn and
14 Manhattan.

15 THE COURT: When you met people in Manhattan, do you
16 recall when it is that you did that?

17 THE DEFENDANT: I believe it was May 19 of 2002.

18 THE COURT: And at that time, sir, did you discuss how
19 you could fraudulently obtain Social Security cards and
20 driver's licenses?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: And with respect to Count Two, the bribery
23 of a public official -- before we get to that.

24 With respect to this conspiracy, what thing of value
25 did you agree to give to a public official in order to obtain

007.70 - 000 850 PM

I : /C:	[Sighs]
C:	You know . . . I have a pity for this man. He . . . He did a lot - - that the individuals there could earn money now. Do you know? He helped everyone. But all this - - as a result . . . [Mumbles. Banging sounds in the background]
I :	Wait . . . Who is this one MUSTAFA? Or . . . This particular (UI)?
C:	Both of them. They (UI).
I :	Both of them?
C:	Yes. (UI) The individual is here for twenty years. The individual is not the first time there. The individual already knows everyone. The individual knows it all. The individual knows the laws better than they do. [Short pause; rustling sounds; clicking sounds in the background] Who needs it? I don't know . . . (SC)
I :	And . . . I think . . . I think, "What is this particular . . . ?" You started . . . (SC)
C:	I started because I . . . Will you, please, understand it yourself? What for do I need . . . (SC)
I :	I got it. Now I got it everything. Just (UI) [Rustling sounds and noise in the background jam the conversation]
C:	(UI) I say, "Here's . . . I won't do anything more . . . I won't talk with anyone . . . I won't do anything more. Whoever will ask me, [I'll respond], "I don't know . . . "[Mumbles (UI)]
I :	Oh . . . You . . . (SC) [Rustling so sounds in the background]
C:	[Continues to mumble (UI)]
I :	Hmm . . .
C:	Right?
I :	It's interesting . . . Interesting
C:	What?
I :	This is interesting - - here's . . .
C:	Really? (UI)
I :	[Rustling sounds in the background] (UI)

EXIF

0-102 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/30/03

BORIS FEDOSOV voluntarily furnished the following information while in the United States Attorney's Office (USAO) in the Southern District of New York (SDNY).

FEDOSOV entered the United States in 1993 from the former Soviet Union (Ukraine). In January, 1995 FEDOSOV received his green card bearing A#071159768. FEDOSOV is currently awaiting his United States citizenship. FEDOSOV resides at 1103 Gilmore Court, Brooklyn, New York and utilizes Post Office Box 1421 Sheepshead Bay Road, Brooklyn, New York.

FEDOSOV was a doctor in the former Soviet Union and was initially employed as a plumber's helper in New York. Currently FEDOSOV operates FINANCIAL AUTO SERVICES, 1684 East 18th Street, Brooklyn, New York.

FEDOSOV's New York State driver's license was suspended in 2000 due to parking tickets and driving infractions.

FEDOSOV's associate, IOURI BOBIK, told him about the availability of Washington, D.C. driver's licenses. FEDOSOV knew RAFET, MUSTAFA and possibly SEZER, were involved with these licenses. These people were Turks. The cost of the Washington, D.C. driver's license was one thousand, five hundred dollars (\$1,500.00).

FEDOSOV recalled driving to Washington, D.C. with BOBIK. They drove to the Motor Vehicle Department by the Canadian Embassy and parked BOBIK's vehicle. BOBIK went to look for the person to help them with the driver's license. FEDOSOV recalled seeing a white minivan with five (5) to seven (7) people. The driver of this minivan was a:

Sex:	Male
Ethnic:	Turk
Hair:	Black
Height:	5'9"
Age:	Approximately 30 - 35 years of age

MUSTAFA, the other Turk, was in his forties.

FEDOSOV
3507-A

Investigation on 12/30/03 at New York, New York

File # [REDACTED] Date dictated 12/30/03

by [REDACTED]

FD-302a (Rev. 10-6-95)

Continuation of FD-302 of BORIS FEDOSOVOn 12/30/03Page 2

[REDACTED]

FEDOSOV was given a motor vehicle application to complete while in the parking lot. BOBIK had discussed the address to use on the motor vehicle application with the Turkish people.

The male Turks directed FEDOSOV into the motor vehicle office with two (2) other clients. One of the male Turks remained outside the Department of Motor Vehicles (DMV) office while another was inside the DMV. FEDOSOV was instructed by a male Turk to go to a specific window inside the motor vehicle. FEDOSOV and the other two (2) clients went to a window run by a skinny black female. The black female took FEDOSOV's motor vehicle application and processed his driver's license. FEDOSOV did not present any identification to the black female during this process. FEDOSOV was then photographed for his driver's license. The two (2) clients with FEDOSOV were Russian and Eastern European males.

After receiving his Washington, D.C. license, FEDOSOV paid BOBIK one thousand, five hundred dollars (\$1,500.00). BOBIK, in turn, paid the Turks. While standing outside the motor vehicle office FEDOSOV saw MUSTAFA give the black female cash.

FEDOSOV lost his Washington, D.C. license while parachuting in southern New Jersey. On January 15, 2002, he and BOBIK returned to the motor vehicle office in Washington, D.C. BOBIK could not find the male Turks at this time. FEDOSOV presented the motor vehicle office with a copy of his license and was subsequently issued a replacement license. FEDOSOV felt he had been issued the original driver's license three (3) months prior to January 15, 2002.

FEDOSOV provided the investigating agent with his replacement Washington, D.C. driver's license.

45A6OZS5

Fedesov - direct

1 Q. What was the name on that license that he showed you?

2 A. Iouri Nikolayev.

3 Q. Was that his name?

4 A. No. His name is Iouri Bobik.

5 Q. Did there come a time when you changed your mind about your
6 desire to get one of these Washington DC driver's licenses?

7 A. Yes. It was at the end of June or the beginning of July
8 2001.

9 Q. What happened?

10 A. One of my acquaintances was arrested because he didn't have
11 a driver's license and I realized that something similar could
12 happen to me, too.

13 Q. Did you have any discussion with Iouri Bobik about this?

14 A. Yes.

15 Q. What happened in that discussion?

16 A. Iouri said that we would have to make an appointment in
17 order to have one of the Wednesdays in July to be able to go to
18 Washington.

19 Q. Did he discuss anything that he would need from you in this
20 respect?

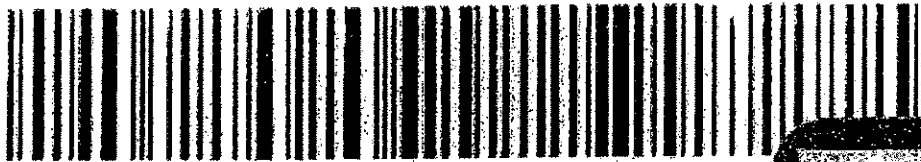
21 A. He said that from my side I would have to provide the money
22 which would be given to the Turkish fellows that will do this,
23 but he will not take any commission or any money from this
24 service.

25 Q. How much did he say it would cost you?

Ex:E.

Ex:E.

Washington, D.C.
DRIVERS LICENSE
 DLN 9500626
 EXPIRES 05-07-2006
BRIAN G FRANCIS
 311 NEW YORK AVE NW
 WASHINGTON DC 20009
 DATE OF BIRTH 05-07-1962
 ISSUE DATE 01-15-2002
 HEIGHT 6-00
 WEIGHT 190
 SEX M
 EYES B
 HAIR B
 SKIN T
 CLASS D
 ENDORSEMENTS NONE
 RESTRICTIONS NONE
 SIGNATURE *Brian Francis*

**Class of License:**

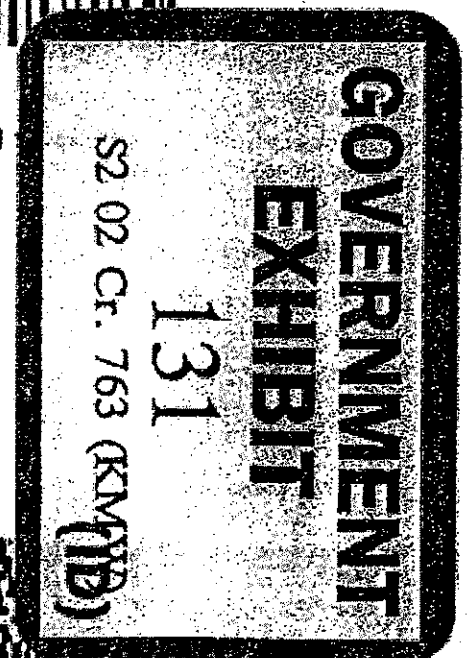
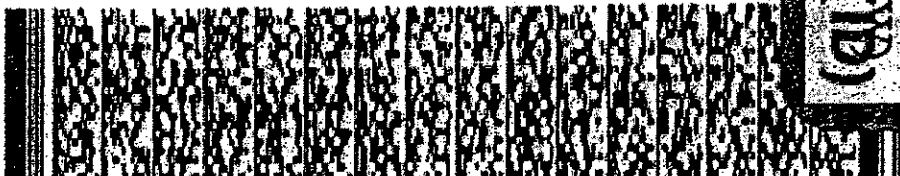
D - Vehicles for non-commercial and personal use. Also Class N

Endorsements:

NONE

Restrictions:

NONE



45

CHECK ONE BOX ☒ Driver's License ☐ Learner's Permit ☐ Non-Driver's ID
 CHECK ONE BOX ☐ New ☐ Renewal ☐ Duplicate
 If a renewal or a duplicate, are you filing a change of address? ☐ Yes ☐ No (If yes, you must provide proof of the change)
 If yes, do you want the new address to be used for voting purposes? ☐ Yes ☐ No

SECTION 2: Fill in this section completely. PRINT WITH BALLPOINT PEN
 Your Full Name (Last Name) (First Name) (Middle Name)
 FRANCIS BRIAN G
 Current Residence (Street Address) Apt. No.
 NW 311 New York Ave
 City and State Washington DC Zip Code
 20009
 Mailing Address (if different, for voter registration purposes) ZIP Code

Date of Birth Sex Weight Height Color of Eyes Social Security Number
 05/07/62 M 180 6'0" HZ 098-087-0562
 Do you wish to be an Organ/Tissue Donor? ☐ Yes ☐ No
 Are you a citizen of the United States? (for voter registration only) ☐ Yes ☐ No

SECTION 3: (Change of Name Applicant ONLY). PRINT WITH BALLPOINT PEN
 Previously Recorded Name of Applicant (Last Name) (First Name) (Middle Name)
 Cost of Record Number (if applicable)

SECTION 4: (Check YES or NO for the following questions)
 1. Has your permit, license or privilege to drive EVER been suspended, revoked, or refused in the District of Columbia or elsewhere? ☐ Yes ☒ No
 If Yes, where? _____
 2. Has it been restored? ☐ Yes ☒ No
 If Yes, give date of restoration _____
 3. Do you have in your possession a valid operator's permit? ☐ Yes ☒ No
 If Yes, where was it issued? _____
 4. Do you have good natural eyesight for driving? ☐ Yes ☒ No
 If NO, do you wear ☐ glasses or ☐ contact lenses

SECTION 5: (Check YES or NO for the following questions)
 Have you ever had, or been treated for, any of the following:
 Strokes or Paralysis ☐ Yes ☒ No Mental Disorder ☐ Yes ☒ No
 Loss of Function in an Extremity ☐ Yes ☒ No Any Brain Disorder ☐ Yes ☒ No
 Alcoholism or Other Drug Abuse ☐ Yes ☒ No Diabetes ☐ Yes ☒ No
 Have you any physical impairments not mentioned above, either temporary or permanent? ☐ Yes ☒ No
 If YES, explain briefly _____
 Glaucoma, Cataracts, or Other Eye Disease ☐ Yes ☒ No Seizure Disorder or Fainting Spells ☐ Yes ☒ No
 Any Heart Disorder ☐ Yes ☒ No Poor Muscle Control or Dizzy Spells ☐ Yes ☒ No

PHYSICIAN'S CERTIFICATE (Required for applicants 70 years of age and above)
 I have examined this applicant and find him/her physically and mentally competent to operate a motor vehicle safely
 (Signature of Physician) _____ (Address, including ZIP Code) _____
SECTION 6: Applicant's Certificate (Telephone Number) _____ (Date) _____
 I certify by my signature, under penalties of perjury, the information given in this application is true to the best of my knowledge and belief.
 Signature Brian Francis Date 1-15-02
TO REGISTER TO VOTE IN THE DISTRICT OF COLUMBIA, COMPLETE AND SIGN FORM BELOW



DC Department of Motor Vehicles APPLICATION FOR DC MOTOR VEHICLE DRIVER'S LICENSE / VOTER REGISTRATION



Would you like DDMV to share your personal information with commercial interests? ☐ Yes ☒ No

SECTION 2: Check the proper boxes for YOUR application.

CHECK ONE BOX ☐ DC Driver's License ☐ DC Learner's Permit ☒ DC International ID
CHECK ONE BOX ☐ New ☐ Renewal ☒ Duplicate

If a renewal or a duplicate, are you filing a change of address? ☐ Yes ☒ No (If yes, you must provide proof of the change).
If yes, do you want the new address to be used for voting purposes? ☐ Yes ☒ No

SECTION 3: Fill in this section completely. PRINT WITH BALL POINT PEN

Your Full Name (Last Name) (First Name) (Middle Name)
FRANCIS BRIAN G
Current Residence (Street Address) Apt. No.
311 NEW YORK AVE NW
City and State WASHINGTON DC Zip Code
20009
Mailing Address (if different, for voter registration purposes) Zip Code

Date of Birth Sex Weight Height Color of Eyes Social Security Number
05/07/62 M 190 6 HAZ 126-90-6504

SECTION 4: Change of Name Applicants ONLY. PRINT WITH BALL POINT PEN
Previously Recorded Name of Applicant (Last Name) (First Name) (Middle Name)

Do you wish to be an Organ/Tissue Donor? ☐ Yes ☒ No
Are you a citizen of the United States? (for voter registration only) ☐ Yes ☒ No

Driver Record Number (if Applicable)

SECTION 5: Check YES or NO to the following questions.

1. Has your permit, license or privilege to drive EVER been suspended, revoked, or refused in the District of Columbia or elsewhere? ☐ Yes ☒ No If Yes, where? _____
2. Has it been restored? ☐ Yes ☒ No If Yes, give date of restoration _____
3. Do you have in your possession a valid Driver's License? ☐ Yes ☒ No If Yes, where was it issued? _____
4. Do you have good natural eyesight for driving? ☐ Yes ☒ No If NO, do you wear ☐ glasses or ☐ contact lenses

SECTION 6: Check YES or NO for the following ailments.

Have you ever had, or been treated for, any of the following:
Strokes or Paralysis ☐ Yes ☒ No Mental Disorder ☐ Yes ☒ No Glaucoma, Cataracts, or other Eye Diseases ☐ Yes ☒ No Seizure Disorder or Fainting Spells ☐ Yes ☒ No
Loss of Function ☐ Yes ☒ No Any Brain Disorder ☐ Yes ☒ No Any Heart Disorder ☐ Yes ☒ No Poor Muscle Control or Dizzy Spells ☐ Yes ☒ No
In any Extremity ☐ Yes ☒ No Diabetes ☐ Yes ☒ No
Alcoholism or other Drug Abuse ☐ Yes ☒ No
Have you any physical impairments not mentioned above, either temporary or permanent? ☐ Yes ☒ No
If YES, explain briefly _____

PHYSICIAN'S CERTIFICATE (Required for applicants 70 years of age and above)
I have examined the applicant and find him/her physically and mentally competent to operate a motor vehicle safely.

(Signature of Physician) (Address, including ZIP Code) (Telephone Number) (Date)

SECTION 7: Applicant's Certificate

I certify by my signature, under penalty of perjury, the information given in this application is true to the best of my knowledge and belief.

Signature Brian Francis Date 9-13-02

TO REGISTER TO VOTE IN THE DISTRICT OF COLUMBIA, COMPLETE AND SIGN FORM BELOW





GOVERNMENT OF THE DISTRICT OF COLUMBIA
 Department of Motor Vehicles
 301 C Street, NW
 Washington, DC 20001
 202-727-5000



FEDESOV
 3507-D

5 Year Record Request

Date: 04-05-2004

Name: BRIAN G. FRANCIS

Primary Address: 311 NEW YORK AVE NW
 WASHINGTON DC 20009

DLN: 9600626

SSN: 126-90-6504

DOB: 05-07-1962

Total Current Points: 0

Sex: MALE

Height: 6 feet 00 inches

Weight: 190 lbs

Hair: UNKNOWN

Eyes: HAZEL

Permit Details:

Class	ID/License Type	DLN/ID	Permit	Status	Original Issue Dt	Issue Date	Expiration Date
D	NCDL	9600626	REGULAR	VALID	01-15-2002	01-15-2002	05-07-2006

0003

UAT

D.C. DEPARTMENT OF MOTOR VEHICLES
 MOTOR VEHICLE INFORMATION SYSTEMS
 PERMIT SUBSYSTEM
 QUERY MODE Version: 3.10

April, 27 Tuesday 2004

Print Screen

9600626 05/07/2006 03 Operator Permit Active

Detail Permit / License Data

PERMIT NUMBER	9600626	STATUS	Active	RENEVAL	0	ISSUED	01/15/2002
TYPE	03 Operator Permit					EXPIRED	05/07/2006
CLASS	D Vehicles for Noncommercial and Personal use; Also Class N						
ORGAN DONOR	N			DUPLICATES	1	LAST	
PREVIOUS PERM	09807062			REPLACEMENT		LAST	

Restriction

Endorsements

ENTERED 07/18/2001

RECORD STATUS Active

Modified Date 01/15/2002

By: DHACKNEY

Search Keys

Owner Data

Permit Data

Action Data

Violation Data

Database Info

EX:D.A.

NOV-08-2004 18:11

EX:D.A.

P.01

FACSIMILE COVER SHEET

U.S. ATTORNEY'S OFFICE, SDNY
ONE ST. ANDREW'S PLAZA
NEW YORK, NY 10007

From: Alexander H. Southwell
Assistant United States Attorney

Office Phone No.: (212) 637-2417

Fax Number: (212) 637-2452

No. pages (including cover sheet): 4

Date sent: November 8, 2004

"FOR OFFICIAL USE ONLY" U.S. ATTORNEY FACSIMILE COMMUNICATION

The information contained in this facsimile message, and any and all accompanying documents, constitute "FOR OFFICIAL USE ONLY" information. This information is the property of the U.S. Attorney's Office. If you are not the intended recipient of this information, any disclosure, copying, distribution, or the taking of any action in reliance on this information is strictly prohibited. If you received this information in error, please notify us immediately by telephone at the above number and destroy the information.

To: Alan Seidler, Esq.
Attorney for Mustafa Ozsusamlar
Tel: (212) 334-3131
Fax: (212) 334-2211

Re: United States v. Mustafa Ozsusamlar, S2 02 Cr. 763 (KMW)

Remarks: Please see attached.

If you & he agree to drop the opposition, please sign & return the original to me. Thanks
Ahf

NOV-08-2004 18:11

P.02

DAVID N. KELLEY
 United States Attorney for the
 Southern District of New York
 BY: Alexander H. Southwell (AHS-0997)
 One St. Andrew's Plaza
 New York, New York 10007
 Tel. (212) 637-2417

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----x	:	
	:	
UNITED STATES OF AMERICA,	:	<u>STIPULATION AND</u>
	:	<u>ORDER OF FORFEITURE</u>
-v.-	:	
	:	04 Civ. 5944 (KMW)
\$3,700.00 IN	:	
UNITED STATES CURRENCY,	:	
	:	
Defendant-in-rem.	:	
-----x	:	

WHEREAS, on or about December 5, 2001, agents of the United States Immigration and Naturalization Service ("INS"), and of the Federal Bureau of Investigation ("FBI"), seized \$3,700.00 in United States currency ("defendant currency") pursuant to the arrest of MUSTAFA OZSUSAMLAR ("OZSUSAMLAR"), a/k/a "Mustafa Ozcan," a/k/a "Missta Oscane";

WHEREAS, on or about July 30, 2004, the United States of America (the "Government") commenced a civil action seeking the forfeiture of the defendant currency;

WHEREAS, on or about September 21, 2004, OZSUSAMLAR sent a letter to the U.S. Attorney's office for the Southern District of New York regarding the defendant currency;

WHEREAS, the parties have reached an agreement in the

NOV-08-2004 18:11

P.03

pending matter and wish to settle without resort to further litigation;

IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiff, United States of America, by its attorney David N. Kelley, United States Attorney, Assistant United States Attorney Alexander H. Southwell and Mustafa Ozsusamlar and his attorney Alan Seidler, Esq., 580 Broadway, Suite 717, New York, NY 10012, as follows:

1. Mustafa Ozsusamlar shall and hereby does withdraw any claim he may have asserting ownership in the defendant currency, and that defendant currency shall be and hereby is forfeited to the United States pursuant to 18 U.S.C. § 981(a)(1)(C);

2. Mustafa Ozsusamlar is hereby barred from asserting any claim against the United States or any of its agents and employees, including the United States Department of Justice ("USDOJ"), United States Department of Homeland Security ("USDHS"), United States Marshal's Service ("USMS"), INS, FBI, and the United States Attorney's Office for the Southern District of New York ("USAOSDNY"), in connection with, or arising out of the United States' seizure and possession of the defendant currency, including but not limited to any claim that the United States did not have probable cause to seize and hold the defendant currency.

3. Mustafa Ozsusamlar further agrees to hold harmless the United States or any of its agents and employees, including the

NOV-08-2004 18:11

P.04

USDOJ, USDHS, USMS, INS, FBI, and the USAOSDNY, in connection with, or arising out of the United States' seizure and possession of the defendant currency, including but not limited to any claim that the United States did not have probable cause to seize and hold the defendant currency.

Dated: New York, New York
November __, 2004

DAVID N. KELLEY
United States Attorney
Southern District of New York

By: _____
Alexander H. Southwell (AHS-0997)
Assistant United States Attorney

Attorney for Claimant

By: _____
Alan Seidler, Esq.
580 Broadway, Suite 717
New York, New York 10012

Claimant

By: _____
Mustafa Ozsusamlar

SO ORDERED

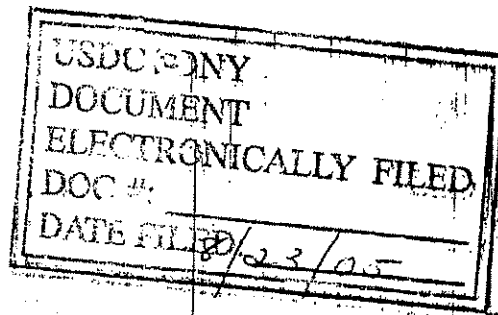
Dated: November __, 2004
New York, New York

KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE

Ex:D.

Case 1:04-cv-05944-EX:D. Document 7 Filed 08/23/05 Page 1 of 3

DAVID N. KELLEY
 United States Attorney for the
 Southern District of New York
 By: ALEXANDER SOUTHWELL (AS-0997)
 Assistant United States Attorney
 One St. Andrew's Plaza
 New York, New York 10007
 Tel. (212) 637-2417



UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X
 UNITED STATES OF AMERICA, :

Plaintiff, :

- v - :

\$3,700.00 IN UNITED STATES
 CURRENCY :

Defendant-in rem. :
 -----X

DEFAULT JUDGMENT
 04 Civ. 05944 (KMW)

WHEREAS, on July 30, 2004, the United States commenced a civil action for the forfeiture of the above-referenced defendant-in-rem ("defendant currency") by the filing of a Verified Complaint;

WHEREAS, on August 27, 2004, notices of the verified complaint were sent by certified mail, return receipt requested, to: Mustafa Ozsusamlar, New York MCC, 150 Park Row, New York, NY 10007; Rafet Ozoglu, New York MCC, 150 Park Row, New York, NY 10007; Frederick Cohn, Esq., 61 Broadway, Ste. 1601, New York, NY 10012 and Alan Seidler, Esq., 580 Broadway, Ste. 717, New York, NY 10012; notifying them that they may have an interest in this

Case 1:04-cv-05944-KMW Document 7 Filed 08/23/05 Page 2 of 3

action, and of their right to file a claim and answer and contest the forfeiture;

WHEREAS, the foregoing are the only persons known by the Government to have a potential interest in the defendant currency;

WHEREAS, notice of the Verified Complaint and in rem warrant against the defendant currency was published in the New York Law Journal once in each of the three successive weeks beginning on February 8, 2005, and proof of such publication was filed with the Clerk of this Court on March 10, 2005;

WHEREAS, no other claims or answers were filed or made in this action, and no other parties have appeared to contest the action to date, and requisite time periods have expired;

NOW THEREFORE, on the motion of David N. Kelley, United States Attorney for the Southern District of New York, attorney for the plaintiff United States of America, Alexander Southwell of counsel;

IT IS HEREBY ORDERED that:

1. Plaintiff United States of America shall have judgment by default against the defendant currency.

2. The defendant currency be, and the same hereby is, forfeited to the plaintiff United States of America.

Case 1:04-cv-05944-KMW Document 7 Filed 08/23/05 Page 3 of 3

3. The United States Marshals Service shall dispose of the defendant currency, according to law.

Dated: New York, New York
8-22, 2005

The Clerk of Court is directed to close this case. Any pending motions are moot.

SO ORDERED:

Kimba M. Wood
HONORABLE KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE

EX: C.

LAW OFFICE
OF
B. ALAN SEIDLER
580 BROADWAY
ROOM 717
NEW YORK, NEW YORK 10012

TELEPHONE
(212) 334-3131
(888) 247-0243
FACSIMILE
(212) 334-2211

October 21, 2004

Mr. Mustafa Ozsusamlar
#18188-050
MCC
150 Park Row
New York, NY 10007

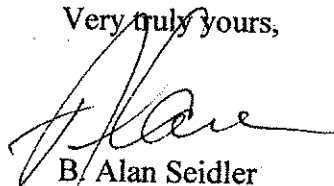
re: USA v. Ozsusamlar

Dear Mustafa;

Call me when you receive these materials. We have court on October 29th concerning the forfeiture proceeding.

Lastly, that Dominican Consulate list is a fake; written by some jealous USA lawyer several years ago. If you doubt me, write to the Dominican consulate directly and ask them to provide you with such a list. You don't have to worry about me. I will do all I can to help you. Again, please call me.

Very truly yours,



B. Alan Seidler

bas/ee

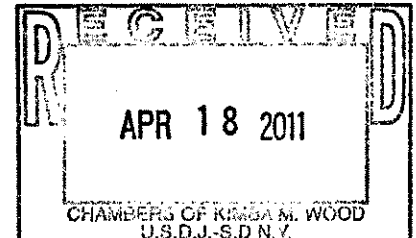
Ex: B.

LAW OFFICE
OF
B. ALAN SEIDLER
580 BROADWAY
NEW YORK, NEW YORK 10012

TELEPHONE
(212) 334-3131
(888) 247-0243
FACSIMILE
(212) 334-2211

April 14, 2011

Hon. Kimba Wood
US District Judge
US Courthouse
500 Pearl Street
New York, NY 10007



Re: USA v. \$3700 in US Currency - 04 cv 5944 (Kmw)

Dear Judge Wood;

On July 13, 2006, I was relieved by your Honor as Ozsusamlar's attorney, and Scott Tulman was appointed pursuant to the Criminal Justice Act. Quickly thereafter, my case file was turned over to Mr. Tulman.

1, 2, 3, I have not recollection of receiving a notice of motion for a default judgment; a notice of entry of a default judgment; or any communication after November 12, 2004, with the Government concerning the instant forfeiture proceedings. I have no documents concerning these matters.

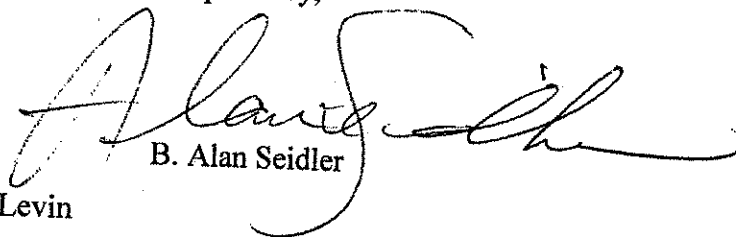
4. I have no memory of having any communication with Mr. Ozsusamlar concerning the status of the forfeiture matter after November 12, 2004, except that Ozsusamlar accused me of being paid twice because he claimed my legal fee in the criminal case should cover the forfeiture case as well, and I was not entitled to CJA compensation at the same time.

5. I believe Mr. Ozsusamlar wrote to the Court at one point to complain that I was being

paid twice because he claimed my legal fee in the criminal case should cover the forfeiture case as well, and the Court should not pay me as CJA counsel for the purpose of the forfeiture proceeding. However, I also have no documents concerning this issue.

6. I was never retained by Ozsusamlar, or his family to defend his interests in the forfeiture proceeding, and I never submitted a request for CJA payment in connection with said matter. Ozsusamlar's son never paid me \$2000 to represent Ozsusamlar in the forfeiture proceeding. I was paid a \$5000 sum to represent the son, Osman Ozsusamlar in a criminal proceeding before the Hon. District Judge Denise Cote [05 cr 1077(DLC)]. Subsequently, Osman decided he wanted to retain different counsel at which point on January 6, 2006, I returned \$3000 of the \$5000 retainer to the same source that paid said retainer on behalf of Osman.

Respectfully,

A handwritten signature in black ink, appearing to read "Alan Seidler", written over the printed name.

B. Alan Seidler

cc: AUSA Sharon Cohen Levin

bas/ee

07/30/2004		SUMMONS ISSUED as to \$3,700.00 in United States Currency. (jjm,) (Entered: 08/02/2004)
07/30/2004		CASE REFERRED TO Judge Kimba M. Wood as possibly similar to 1:02-cr-763. (jjm,) (Entered: 08/02/2004)
07/30/2004		Case Designated ECF. (jjm,) (Entered: 08/02/2004)
09/08/2004		CASE ACCEPTED AS RELATED TO 1:02-cr-763. Notice of Assignment to follow. (gf,) (Entered: 09/29/2004)
09/08/2004	2	NOTICE OF CASE assignment to Judge Kimba M. Wood. Judge Unassigned no longer assigned to the case. (gf,) (Entered: 09/29/2004)
09/08/2004		Magistrate Judge Debra C. Freeman is so designated. (gf,) (Entered: 09/29/2004)
09/29/2004		Mailed notice to the attorney(s) of record. (gf,) (Entered: 09/29/2004)
09/30/2004	3	ENDORSED LETTER addressed to Judge Wood from B. Alan Seidler dated 9/28/04 re: the initial (status) conference is adjourned to October 29, 2004 at 9:30 a.m.; (Signed by Judge Kimba M. Wood on 09/30/04) (djc,) (Entered: 09/30/2004)
10/28/2004	5	ORDER AUTHORIZING PAYMENT FOR COUNSEL; the Court hereby orders Mr. Ozsusamlar's criminal defense atty Alan Seidler, to represent Mr. Ozsusamlar in this matter. Mr. Seidler will be compensated as per 18 U.S.C. 3006(a) under the authority granted to the Court in 18 U.S.C. 983 (b)(3) (The Court shall set the compensation for representation under this subsection, which shall be equivalent to that provided for court-appointed representation under sec. 3006A of this title). (Signed by Judge Kimba M. Wood on 10/27/04) (pl,) (Entered: 11/22/2004)
10/29/2004		MEMORANDUM TO THE DOCKET CLERK: Attorney for the Government AUSA Alexander Southwell is present. Mustafa Ozusamlar is present with his attorney, Alan Seidler. Defendant waives presence of interpreter. Mr. Ozsusamlar is to notify the Court and the Government before 11/12/04 as to whether he will proceed with this action. If he does not intend to proceed he is to file a stipulation of settlement by this date. If Mr. Ozsusamlar intends to proceed, the initial conference will take place on 11/12/04 at 12:30 p.m. (yv,) (Entered: 11/24/2004)
11/12/2004		Set Deadlines/Hearings: Initial Conference set for 11/12/2004 at 12:30 PM before Judge Kimba M. Wood. (yv,) (Entered: 11/24/2004)
11/17/2004	4	ENDORSED LETTER addressed to Judge Kimba Wood from B. Alan Seidler dated 11/12/04 re: granting dfts requests for an adjournment of the conference from 11/19/04 to date in December, 2004; the conference is adjourned to 12/2/04 @9:45 a.m. (Signed by Judge Kimba M. Wood on 11/16/04) (pl,) (Entered: 11/17/2004)
03/10/2005	6	SERVICE BY PUBLICATION Document filed by United States of America. Last publication date 2/22/05. (Southwell, Alexander) (Entered: 03/10/2005)

08/23/2005	7	DEFAULT JUDGMENT in favor of plaintiff against \$3,700.00 in United States Currency. (Signed by Judge Kimba M. Wood on 8/22/05) (ml,) (Entered: 08/25/2005)
------------	---	--

III Defendant Seidler

- 7- Defendant Mr. Seidler, attorney at law, and lead attorney to plaintiffs Criminal Case No: 02-cr-763 (Kmw), and Case No: 04-cv-05944 (Kmw). Mr. Seidler was legally responsible for the represent plaintiff defense issue for the bolt case should be professional way justidy in Court.
- 8- Defendant Mr Seidler, in same civil action case 04-cv-05944 Appointed CJA by Case judge Kimba M. Wood also. See EXH. A. Docket entry 5. mean was stilling Tax payers money. legal rubiry.
- 9- Defendant Mr. Seidler is resident and citizen of the state of New York. Addressed 580, Broadway Room 717, New York, NY, 10012. Phone # 212-334-3131.
- 10- At all timer relevant hereto. Defendant Mr. Seidler was acting withing the Course And scope of his proffessional responsibility under color of Law.
- 11- U.S.A - V. Correny (Ozsusamlar) \$3,700,00. Case was Ended on Nov-12-2004 by case Judge wood. Faver by plaintiff Ozsusamlar, but Attorney Mr Seidler not given Any information to plaintiff Ozsusamlar See EXH-B and EXH-B-A.
- 12- Defendant Mr. Seidler clearly lie see EXH-B. Paragraph 4 and EXH. A. Docket Entry 5.
- 13- Defendant Mr. Seidler clearly lie, because case 04-cv-05944 be Ended Mr. Seidler Still lead attorney pluss CJA also, on Nov-12-2004. and Mr Seidler was relieved from Case on July. 13, 2006. returned criminal case to Attorney Scott Tulman. See EXH. B. pg. 1.
- 14- Defendant Mr. Seidler, letter to plaintiff Ozsusamlar. See. EXH. C.
- 15- Defendant Mr. Seidler legaly lead an CJA. Attorney to Ozsusamlar when default judgment Ordered by case judge wood on 8-22-2005. See. EXH. D.
- 16- Defendant Coopereted withother violate own proffessional responsibility and plaintiffs U.S.C. Rights. Defendant helping to government for convicting innocence plaintiff Ozsusamlar.
- 17- Defendant Mr. Seidler Cooperating withother defendant hidding truth case evidence and Excepted untruth renaut Case evidence. See. EXH. E.
- 18- Defendant Mr. Seidler Cooperete withother defendant not Quashtined Quashginible statement By the goverment (CW) Fedesov See. EXH. F.
- 19- Defendant "NOT" Requested onavilible CW Bobik which the goverment use in frond Of Grand jury. See EXH. I and Bobik plea guilty own word said I involved D-C Driver Licanse in may-19-2002. and phone Conversation recorted by Agent Campanella On 10-10-2002. Bobik Asking who is a person named mustafa a turk. there is approp Cooperation See EXH. G. two pages.

- 20-Defendant Mr. Seidler "NOT" Requested Grand Jury testimony given by FBI Agent Campanella because untruth and under oath perjury testimony. See EXH. I - pgs. 28-29
- 21-Defendant, Hiding plaintiff Arresting Document Dec. 05, 2007. because jury not finding Guilty defendant helping to government under cooperation violating plaintiff Constitution Rights Amendments 4-6-14. See EXH. J.
- 22-Defendant Mr. Seidler, under cooperation with another defendant "NOT" Quashed Under oath given contradicted perjury testimony in different Court Room by Agent Leeper, in Washington DC, and NY. See EXH. K. and EXH. K-A.
- 23-Defendant Mr. Seidler, Never defendant Ozsusamlar U.S.C. Right violation in Court Room by The government, about due process/speed trial/perjury/prosecutorial misconduct/misleadings.
- 24-Defendant Mr. Seidler educated law because a attorney. Defendant knowing should know prosecutor violating Ozsusamlar due process rights by knowingly using false and misleading evidence, Coaching (CW) and bribing money to CW, and give I.N.S. legal statute TO CW. for the lie testimony to convict plaintiff Ozsusamlar. Defendant Mr. Seidler a Lead Attorney to Ozsusamlar and his responsibilities defense, Mr. Seidler was aware that the testimony misleading, but consciously decided not to clarify it for jury. See EXH. M.
- 25-Defendant Mr. Seidler known the materiality of false testimony in light of only the Evidence supporting the conviction. the prosecutions knowing use of false testimony and Evidence denied him due process where trial counsel knew the testimony was misleading but made a strategic decision not to clarify it for jury. because defendant Mr. Seidler already Cooperated with prosecutor defense was only formality. EXH. L.
- 26-Defendant Mr. Seidler under cooperation with another defendant, against to own Claim Ozsusamlar, in Court Room said listening 3, government witnesses but that is a Fatco hearing for Enhancement Harsh sentencing issues knowingly Under cover hearing and clearly "Hearsay" testimony by government Agents (Defendants) Violating 28, U.S.C. 801(A) and 801(B) and ~~803~~ 803-8(A), 803-8(B), 803-8(C).
- 27-Defendant Mr. Seidler. violate own professional responsibility and a/c Rule. ineffective Assistance Counsel legal rubiry persons knowingly violating plaintiff Constitutional Right Amendment 4-6-14.
- 28-Defendant a lead attorney to Ozsusamlar, Defense attorney can not weive defendant Right without permission by defendant, Commonwealth v. Lavio, 92-CR-465 and Commonwealth v. Hardy, SIC, 10874. and see EXH. B-A

- 29-Defendant Mr. Seidler, can a non default 6. Amendment ineffective assistance Counsel Claim that has yet to receive a full and fair review receive a ruling on the merit under 28-U.S.C. 1651(a)(2) where multiple additional Errors affected the Ozsusamlar conviction See, 8. Cir. 494.F. APP. X, 679 Katz v. U.S. 12-1326.
- 30-Defendant Mr. Seidler and his co. defendants Cooperating each other knowingly Willfully under Cooperation terrorizing plaintiff Ozsusamlar Constitutional Right violating many Rules of justice making illegality legal convicted and makin unusable panishment long term sentence innocence Ozsusamlar.
- 31-plaintiffs reallege and incorporate by reference all paragraphs 1-31.
- Deffendant ALEXANDER H. SOUTHWELL.
- 32-At all time relevant hereto, Southwell was acting the course and scope of his Employment and under color of law.
- 33-At all time relevant hereto, Defendant Southwell is a resident and citizen of the State of New York.
- 34-Defendant Mr. Southwell at violation time working U.S.A. office in southern District Of New York. Addressed One saint andrew plaza, New York, NY. 10007.
- 35-Defendant Southwell New addres. 200, Park Ave. Newyor, NY, 10166 phone #212-351-3981
- 36-Defendant violating U.S.C. section 1515(a)(1A), Opstruction of on official proceeding
- 37-Defendant violating 28, U.S.C. 801-dA, and 801 (1B) for Hearsay Right plaintiff
- 38-Deffendan violating 28, U.S.C. 803, 81A, 803, 8B, and 803.18C plaintiff.
- 39-Defendant, knowingly and willfully used under oath falsified statement in frond of Grand jury. violating plaintiff U.S.C. Right 4-6-14. see. EXH-1.
- 40-Defendant under Corperation with other defendant violating own proffessional Responsibility. knowingly and willfully using false and fabricating evidence. EXH-E. This evidence main evidence to conviction for plaintiff Ozsusamlar.
- 41-Defendant knowing Ozsusamlar was jailed in mcc. Correction next to his office On 8-22-2004 see EXH.D and see. EXH. D-A,
- 42-Defendant knowing Ozsusamlar (plaintiff) Sentensed feb. 1. 2007. Defould Judgment bitwen sentence plaintiff 17 Different time in Court Room in Frond of Same Judge wood and Defendants Southwell and Seidler there is Under Corperation knowingly Against to plaintiffs violating U.S.C. Rights. plaintiff
- 43-Defendant Corperate with Defense attorney hiding CW. statement. see EXH. F.
- 44-Defendant cooperate with other defendant for the under Cover Fatico Hearing

And knowingly willfully use falsified "hearsay" testimony by government official and Not given any information to said we are in fatico hearing. see EXH-L.

45-Defendant Educate law, and under oath government attorney, Can not knowingly Violate law and justice. Can not fabricate case evidence coaching CW, and Bribing money to CW, and can not give INS, legal statue illegal Alien CW, but Defendant did that due proces and misleading violation for only to Convict innocence person plaintiff Ozsusamlar. see EXH-M.

46-Defendant Cooperate withoter defendant defence attorney Mr. seidler for the feal free due process violation and knowingly using hearsay falsified and misleading Evidence and testimony U.S.C. 6 Amendment violation by defense Counsel only for Conviction to plaintiff Ozsusamlar. see, 8, cir-44, F. APP. X 679 Katz, v. U.S. 12-1326.

47-Defendant did violate plaintiff Constitutional Rights under due process false and Misleading. 5-Cir. Holding. prosecution knew false testimony and evidence denied him Due process where trial Counsel knew that the testimony was misleading but made a Strategic decision not to clarify it for jury.

48-Defendant Southwell NOT Colling the government avilible witnesses and not Colling plaintiff avilible defense witnesses to testified in Court Room reasons why defendant not coached to witness what he whant to say.

49-Defendant colling jail House (snitch) witnes but not excepting to colling Defense witnes which plaintiff wishess there is civil Right violation.

50-Defendant Southwell knowingly violate plaintiff Constitutional Rights because He was a prosecutor. prosecutor who adopted and implemented flawed internal procedures for using jail house informer (snitches) U.S. Court of Appeal 9, Circuit. Goldstein v. Long beach NO: 10-56787. Defendant Ozsusamlar rights to law suit Against the prosecutor and Agents Los Angeles County that the defendant failed a To adequately train or supervise the prosecutor who worked for them and filed to Establish a system for shearing information about informer and see, Supreme Court Ruled in 2009, and Van De Kamp v. Goldstein 555, U.S. 335, 84 CrL 445, (2009). and According to the court, "the aptronymic Edward Fink" was known in the Law Enforcement Community as a "Perenial Informant" who frequently sought favors by claiming that Fellow inmates confessed to him while awaiting trial. the government adequately Train or supperwise the prosecutors who worked for them and filed to establish a

System for sharing information about informer. See Monell v. Dept. of Social Services 436 U.S. 658 (1978) McMillian v. Monroe County, 520 U.S. 781 (1997).

51-Plaintiff reallege and incorporate by reference all paragraphs 1-51.

Defendant, John F. Campanella,

52-Defendant is a resident and citizen of the state of New York and FBI Agent, Addressed, 26, Federal plaza New York NY.

53-At all time relevant hereto, Defendant was acting within the course and scope of His employment and under color of law.

54-Defendant violate 18, U.S.C. 1512, c, 2 knowingly and willfully lies in interrogatories Obstructed justice, and 18, U.S.C. 1515, a, d, A obstruction of an official proceeding.

55-Defendant knowingly and willfully lied given under oath falsified testimony in Front of Grand jury Southern District of New York, see EXH-1.

56-Defendant under cooperation knowingly and willfully give lie testimony under Oath in Court room by trial jury and said I followed Ozsusamlar, after Recording Conversation with the CW, between manhattan and Brooklyn NY.
See EXH-J.

57-Defendant clearly lie because plaintiff (Defendant) Ozsusamlar incarcerated Since Dec. 5, 2001. Never out from jail. See, EXH.J-A.

58-Defendant give under oath knowingly willfully lie testimony in Court Room to Trial jury under cooperation defense attorney See EXH.N. and EXH.N-A.

59-Defendant knowingly and willfully give under oath falsified testimony. Said I have CW, named IGOR. Mr IGOR's information and his relationship with Ozsusamlar (mustafa) but igor never known who is mustafa. see EXH.O.

60-Defendant Campanella under cooperation with defense attorney feel free Lie in Court room and front of trial jury. in May 2002 Arrested plaintiff (Mustafa) searched mustafa's car found Lath of Identification different than his See EXH.N-A. I am plaintiff mustafa Ozsusamlar. I was D.C. jail Dec. 05-2001 How the Defendant Agent Campanella arrested me in manhattan New York. I do not have two life there is justice I looking to find. See EXH.N.A.

61-Defendant violated plaintiff Constitutional Rights. See, U.S. v. Yerman 468 U.S. 63 (1984) in which the U.S. Supreme Court held that the Federal nature of a Crime need not be in the mind of the perpetrator 18, U.S.C. section 1001.

Applies to on who "knowingly and willfully" makes false statements to a federal Agency, just as section 88-c, Applies to one who is knowingly and willfully Communicates a false distress message in court. there is constitutional rights violated. Defendant under oath federal employee can not need to violate own Oath and professional responsibility and can not have a right to violate plaintiff Oath similar for terrorizing innocence person making criminal.

62-Plaintiff reallege and incorporate by reference all paragraphs 1-62.

Defendant Mark Leeper.

63-Defendant Mr. Leeper was under oath a federal Agent. Mr. Leeper Case Agent in Washington DC. Case No: 01-cr-466(EGS) Case transferred to New York 02-cr-763. (KMW) Mr. Leeper under oath give falsified testimony in Court room D.C. And N.Y. Because D.C. And NY. Testimony clearly contradicted each others knowingly and willfully violating own professional responsibility and Plaintiffs Constitutional Rights.

64-Defendant under oath testimony in D.C. front of Judge Sullivan. See EXH. K.

65-Defendant under oath testimony in NY. front of Judge Wood. See EXH. K-A.

66-Defendant a federal Agent still ~~Plaintiff~~ § 93-00 U.S. Currency. See EXH. K-B

67-At all time relevant hereto. Defendant resident and United States citizen and still working ICE Agent Homeland Security I did not find his address.

68-At all time relevant hereto, defendant was acting within the course and scope of his work under color of law.

69-Defendant violate plaintiff Constitutional Rights under cooperation with another Defendant violating own under oath professional Responsibility.

70-Plaintiff reallege and incorporate by reference all paragraphs 1-70.

Jurisdiction and Venue.

71- this Court has jurisdiction over this action pursuant to 28, U.S.C. 1331, and 1343 (a) Constitution of the United States.

72-Venue of this Case is proper in the Southern District of New York to 28, U.S.C. Section 1391 (b), because a substantial part of the event or Omission giving rise to the claim occurred in this District of New York.

73-Plaintiff pray to Court and Justice giving a special order to Suspension Attorney B. Alan Seidler and Alexander H. Southwell.

Cause of Action.

- 74-Plaintiffs incorporate by reference each proceeding all paragraphs as though FULL at Length herein.
- 75-plaintiff had seriously harrassed by this dependents.
- 76 Plaintiff still seriously harrassed by the goverment official prosecuter Office Employee and Agent Campanella using official pover given to Order to B.O.P official for the ponishmen to plaintiff.
- 77-Defendant Conduct unusuale panishment to plaintiff.
- 78-Defendant Acted under color of law.
- 79-Plaintiff reallege and incorporate by reference all paragraphs 1-79.

Prayer For Relief.

wherefore, plaintiff prays for relief as fallows.

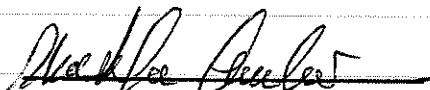
- 1-Compensatory damages including but not limited to non-Economic Damages in excess of \$75,000.00 for each dependant.
- 2- Punitive damages.
- 3-Attorney Fees Expenses and Coust of this action; and
- 4-Such Further relief as this Court deems proper.

JURY DEMAND.

plaintiff heraby demands a trial by jury on all issues to triable.

Respectfully submitted,

Date: June.27.2013.



Mustafa Ozsusanlar. 18188-050.
P.O. BOX-420. FCI-Fairton. NJ-08320.

Certifierte of service.

I mustafa Ozsusanlar. I have read the foregoing Complaint and hereby that the Matters alleged therein are true, except as to matters alleged on information And belief, and, as to those, I believe them to be true. I Certify under penalty to Perjury that the foregoing is true and correct:

Date: June.27.2013.

Pg-8-


Mustafa Ozsusanlar 18188-050.
P.O. BOX-420. FCI-Fairton. NJ. 08320